

# Official Gazette



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## OFFICIAL WEEK IN REVIEW

**November 23.**—**P**RESIDENT Garcia returned to Manila this morning aboard the *RPS Sta. Maria* from a five-day inspection trip to the South.

Docking at the Philippine Navy headquarters landing on Dewey Boulevard about 8 a.m. the President received on broad Executive Secretary Juan C. Pajo, who consulted him on pending matters.

Then the President received Acting Commissioner Melecio Domingo, who rendered a full report on the cases of 48 BIR personnel who had no items on the BIR plantilla and yet are receiving salaries from the general fund of the office, as well as the cases of three other employees who hold more than one item each.

The President said that the cases of these employees were anomalous. He instructed Commissioner Domingo to remedy the situation right away.

Commissioner Domingo informed the Chief Executive that some of the personnel involved were ranking officials of his bureau. He said he had given the BIR personnel officer 72 hours within which to explain the anomalous arrangement. The period expires tomorrow.

Domingo, during his conference with the President, also recommended the transfer of BIR personnel from the central office to undermanned regional offices to increase the efficiency of the branch offices. The transfers contemplated involved some 200 personnel, most of whom are technical men, to complete the full complement of undermanned offices. The commissioner also recommended cuts in the personnel in other branches which he believed were overstaffed.

Another caller aboard before the President disembarked from the *Sta. Maria* was Commissioner John S. Graham of the U. S. Atomic Energy Commission, who called to pay his respects following his recent arrival in Manila to survey the local atomic research potentialities in connection with the \$500,000 U. S. grant for the Philippine reactor project.

Commissioner Graham was accompanied by Neil D. Naiden, also of the U. S. AEC, Chairman Paulino J. Garcia of the National Science Development Board, and Acting Commissioner Pedro G. Afable of the Philippine Atomic Energy Commission.

THIS afternoon the President lauded the service that the Manila Railroad Company has been rendering to the country during its 66 years of existence.

The President was the principal speaker at the cornerstone laying of the MRR Hospital at Caimito Road in Caloocan.

The Administration, taking into account the role that the company is playing in the economic progress of the nation, has fully endorsed the expansion of the railroad lines to Cagayan Valley and Sorsogon, the President said.

The Chief Executive added that the realization of this project, despite financial difficulties, is one of the pet projects of his party.

Regarding the construction of a hospital for the employees of the state firm, the President stated that it was one of the social amelioration measures of the Nacionalistas.

Present at the cornerstone laying ceremonies were high government officials led by Executive Secretary Juan C. Pajo, Caloocan Mayor Macario Asistio, Vice-Mayor Mateo Lualhati, MRR Board Chairman Juan J. Carlos, General Manager F. F. Santiago, OBC Acting Administrator Pablo Cruz, and MRR Directors Salvador T. Villa and Francisco Calinawan.

At the ceremony, President Garcia was presented with a resolution of appreciation approved by the Senate Committee on Transportation and Public Services, the Committee on Railways of the House of Representatives, and the Board of Directors of the state firm for his assistance and encouragements which led to the immediate passage of Republic Act 1867, providing for the extension of the railroad lines to the Cagayan Valley and Sorsogon.

**November 24.—**PRESIDENT Garcia today pledged the help of the administration to a Filipino inventor who is placing in the market a new rice-corn mill that is expected to revolutionize the milling industry in the Philippines.

The pledge was made to Felicisimo D. Reyta, who invented a machine that can simultaneously mill rice and corn, with a better grain recovery than other mills sold locally.

The President said that he is going to confer with NARIC and ACCFA officials to explore the possibility of purchasing the Reyta rice-corn mill for installation in rural areas, especially in the Visayas and Mindanao where it can operate continuously in both wet and dry seasons while other mills are idle.

Reyta, who was called to Malacañang by the President, was accompanied by Mayor Teodulo Bernados of Tanay, Rizal, and Patricio C. Carlay.

The President also received GSIS officials who called to deliver to him his dividend for this current year, as a policy holder. The GSIS officials were Francisco Raymundo, Federico Romero, Baltazar Guerra, and Cristino Ybañez.

Earlier, the President received at his Quezon City residence Secretary of Foreign Affairs Felixberto Serrano, who briefed him on the final arrangements of his state visit to Japan and submitted a progress report on the bases talks.

Other presidential callers included Chinese Ambassador Chen Chih-mai, who accompanied Chinese poet and artist, Chan Ching-hung, Roman Lorenzo, and Pablo Reyes.

The President this day proclaimed Thursday, November 27, this year, as a special public holiday for national thanksgiving.

In issuing Proclamation No. 545, the Chief Executive stressed the importance of setting aside a day each year on which to dedicate "our noblest thoughts in prayer and thanksgiving to God for all the blessings He has showered upon us."

The President called upon all the people "to turn their thoughts on that day to the Lord and offer Him a prayer of thanks for all the blessings He has bestowed upon us."

President Garcia also signed today a proclamation authorizing the Philippine Cancer Society to conduct a national educational, membership, and fund drive during the period from December 15, 1958, to January 15, 1959.

The Chief Executive has accepted to be present at the kick-off ceremonies of the drive to be held in the afternoon of December 15, this year.

The proclamation was signed in the presence of Health Secretary Elpidio Valencia; Earl Carroll, general campaign chairman of the third cancer drive; Felino Neri, chairman of the Philippine Cancer Society; Gen. Basilio Valdez; Drs. Ramon Paterno; Juan Z. Sta. Cruz; Col. Roman Salacup; R. R. de la Cruz; and Mrs. Lourdes Guillermo.

THIS afternoon the President received Japanese Ambassador Morio Yukawa, who came to Malacañang to make final arrangements regarding the President's six-day state visit to Japan starting December 1.

The Japanese ambassador is flying ahead to Tokyo to help in the welcome preparations for President Garcia and members of his party.

Agriculture Secretary Juan de G. Rodriguez reported to the President on the results of his recent mission to Rome, where he attended the conference of the Food and Agricultural Organization. Rodriguez was elected first vice-chairman of the FAO council. He also informed the President

of the tentative visit of B. R. Sen, director-general of FOA, which is scheduled for March 9 to 15, 1959.

Officers of the Philippine Sugar Institute also called on President Garcia to request an early decision of the President on their controversy with Commerce Secretary Hernaez regarding the filling up of the deficit in Class "D" Philippine sugar in the world free market.

Jose Mapa Gomez, president of PHILSUGIN and the National Federation of Sugar Planters, told the President that the groups he represents would like to use the milled sugar to cover the deficit in the country's Class "D" sugar quota.

On the other hand, Hernaez wants to use Class "C" sugar to fill this quota. The matter is now up for decision of President Garcia.

Gomez was accompanied by Ramon Nolan and former Ambassador Jose E. Romero, secretary and director, respectively, of the PHILSUGIN, and Ramon L. Paguia, PHILSUGIN administrator.

**November 25.—**PRESIDENT Garcia today decided to allow millers and planters to fill up their 1958 "D" quotas with early milled sugar corresponding to the 1958-1959 crop year.

The decision of the President was in part due to the fact that the declaration and allocation of the 1958 "D" quotas were quite delayed. It was understood that this policy will be effective for this year only.

The general policy shall be, as stated by the President, that sugar production of any year shall be used or applied only to cover the quota allotments for that year, except in the case of sugar carry-over or sugar reserve stocks.

Henceforth, declarations as well as allocations to mills and planters of Philippine "D" quota for world free market quota shall be made as early as practicable and that is when the majority have terminated their milling season.

However, the filling of "D" quotas will only be permitted at a time to be determined when the complete filling of U. S. export and domestic quotas is positively assured by the stocks of sugar deposited in the various warehouses.

The President's decision was made after a series of conferences with sugar planters and sugar quota administration officials, including Jose Mapa Gomez, Ramon Nolas, Jose Romero, and Sugar Quota Administrator Ramon L. Paguia.

PRESIDENT Garcia this afternoon ordered the reorganization of the Backpay Unit of the Bureau of Treasury with the view to eliminating possible sources of anomalies and bringing about a more efficient and expeditious disposition of backpay claims.

The President issued this afternoon an administrative order creating a special committee charged with the introduction of such innovations and changes, in accordance with existing laws, in the personnel assignment, operational setup, office policies, and procedures of the Backpay Unit.

At a conference in Malacañang this noon, the President instructed members of the committee to look into reports of "fixers" allegedly victimizing backpay claimants, and expressed his desire to have this "evil practice uprooted right away."

He told the committee to check up the records of the Philippine National Bank to verify reports that certain persons were monopolizing backpay checks, that numerous claimants had only one address, and that claims were being sold at unreasonable rates of discounts.

The Chief Executive, in his Administrative Order No. 284, directed the committee to submit partial reports and recommendations from time to time to the secretary of finance, who shall advise the President on the progress of their work. The body was, however, given no more than three months to complete and submit a final report.

The national treasurer and all officials and employees of the Backpay Unit were enjoined by the administrative order to extend full assistance

- (2) That the schedule of bonus shall provide increasing percentage in favor of low-salaried employees;
- (3) That in no case shall the bonus exceed one month's salary;
- (4) That for employees and laborers who have served less than one year, bonus shall be in proportion to their length of service; and
- (5) That public utility corporations, like the National Power Corporation, the National Waterworks and Sewerage Authority, and the National Rice and Corn Corporation, may grant a Christmas bonus to their personnel in an amount not to exceed P50,000 if the corresponding seven per cent of their net profit is less than said amount.

The Cabinet started preliminary discussions on the proposed sale of the Maria Cristina Fertilizer Plant at its regular weekly meeting this afternoon.

The proposed sale is in line with the Administration's policy to dispose of government-owned industrial plants when private capital is ready, willing, and in a position to take over their operations.

The proposal is sanctioned by the National Power Corporation's board of directors and was recommended for the President's approval by the Office of Economic Coordination.

The appraised value of the property has been set at P18,311,994.78 and excludes the cost of the plant and housing sites which are part of the land reservations of the government, reserved for the NPC for industrial purposes.

Among the proposed terms of the sale are: (1) the sale shall be through public bidding; (2) only Filipinos or Americans and/or corporations, partnerships, or associations at least 60 per cent of whose capital is owned by Filipinos or Americans, can participate in the bid; and (3) the successful bidder shall recognize and assume the obligations and acquire all rights of the National Power Corporation under its existing contracts with other parties in connection with the operation of the fertilizer plant.

The President expressed his desire to add another condition of the sale in that the purchaser should guarantee that fertilizer produced by the plant should be sold at a low price. This is to place the fertilizer within the reach of the small farmers.

Final decision on the matter was, however, deferred for future meetings.

**November 27.**—**P**RESIDENT and Mrs. Carlos P. Garcia led the nation today in observing Thanksgiving Day. They heard mass at their Quezon City residence together with Malacañang aides.

After mass the President and the First Lady had breakfast with Fr. Tugade, Brig. Gen. Isagani Campo, II MA commanding general, and aides.

The first caller was Minister Octavio Maloles, who has been reassigned to head the Philippine legation in Mexico.

Gov. Diego Ty Deling of Misamis Occidental, in the presence of Col. Basilio Hernandez, executive officer of the Peace and Amelioration Fund Commission, and of Provincial Board Member Lucas Naranjo, Mayor Ricardo Dumalangan of Plariden, Misamis Occidental, and David Dulanas, presented a check for P4,500 as partial contribution of his province to the peace and amelioration fund.

The President also received Assistant Executive Secretary Enrique Quema, Former Press Secretary Baldomero T. Olivera, PNS general manager, and his son Baldomero, Jr., who brought a collection of Philippine shells to be presented to Emperor Hirohito during the coming state visit of President Garcia to Japan.

Another caller was Gov. Manuel Barretto of Zambales, who conferred with the President on matters pertaining to his province.

THIS afternoon the President received NAMARCO General Manager Benjamin Estrella, who reported on reforms introduced by the management to minimize incidence of irregular trading practices on the part of NAMARCO distributors and retailers.

Estrella also briefed the President on the losses sustained by the corporation as a result of the 45-day strike which ended only last week.

Estrella reported to the President that the state marketing firm suffered losses totalling ₱800,000 owing to the strike. Of this amount, according to Estrella, ₱500,000 represented payroll losses and the remaining ₱300,000 was lost in warehousing fees.

He also told the Chief Executive that the directive issued by the President had the effect of abbreviating the duration of the strike.

President Garcia had directed that cash advances be given to employees of the strike-bound firm to be charged against their accumulated leave, pending decision by the Supreme Court of the appeal of the management for certiorari.

Estrella explained that if the Supreme Court decides in favor of the workers, their leave will be returned to them and the cash advances they had received will represent their strike duration pay.

Earlier, Indonesian Ambassador Nazir Dt. Pamontjak called on the President to extend personally his thanks for the many words of appreciation expressed by President Garcia with regard to the major role he had played in affecting the turnover of Alfredo B. Saulo, number 3 Huk, to the Philippine Government.

MPD Chief Telesforo Tenorio also reported to President Garcia on his observation during his two-month trip to the United States, during which he attended an international conference of chiefs of police.

At eight o'clock this evening, President Garcia left his Bohol Avenue residence and motored to Malacañang to pick up Mrs. Garcia on their way to attend the Big Ten alumni reunion held at the Winter Garden of the Manila Hotel. The President was the guest of honor at this meeting.

PRESIDENT Garcia this evening appealed for a moratorium on politics and exhorted the people "to close ranks and pull together" in a common endeavor to bring about self-sufficiency and prosperity to the country.

He made the appeal in his address before the annual celebration of the alumni of the "Big Ten," at the Manila Hotel this evening. The so-called "Big Ten" is an organization of alumni of ten universities of the United States.

The Big ten members are the Illinois University, Indiana University, Iowa University, Michigan University, Michigan State University, Minnesota University, Northwestern University, Ohio State University, Purdue University, and Wisconsin University.

"This is no time for petty bickering and recriminations," the President stressed.

He declared that "Filipinos from all walks of life must close ranks and contribute their strength, learning, and wisdom to the attainment of our common objective of ushering in a brighter day for our country."

He pointed out that his administration is pledged to work for the welfare and happiness of the people.

"In line with this objective," he said, "steps have been taken to improve the condition of our people not only in the urban centers but also in the rural areas."

The Chief Executive cited measures taken by the Administration to institute land reforms, the organization of cooperatives, the extension of credits, the harnessing of streams in order to provide the people with electricity for lighting and for power, the establishment of rural health units, the construction of irrigation systems and as well as that of highways and feeder roads, the sinking of artesian wells, and the extension of school facilities to the remotest barrios.

"All these," the President said, "have been motivated by the sincere and earnest desire of the Administration to raise the standard of living of our people."

He pointed out, however, that the successful implementation of this ambitious program of the Administration requires the earnest and whole-hearted cooperation of all sectors and elements of the population.

"In the great and arduous task of nation building," he said, "the need is for unity of effort. We cannot afford to dissipate our energies and our

strength by working at cross-purposes. I, therefore, call upon you to join us in the pursuit of our objective so that we may all pull together to the end that our Republic, which came into being after so many untold sacrifices, may live and endure until time shall be no more."

In appealing for national unity the President said "the problems ahead are many and they are difficult. But they are not incapable of solution."

**November 28.**—**B**EFORE MOTORING to the University of the East, President Garcia had a breakfast-conference this morning with Leyte and Samar politicians led by Speaker Daniel Z. Romualdez and Sen. Decoroso Rosales.

The conferees discussed a long range road-building program for the two provinces, as well as the full utilization of Leyte asphalt in the construction of roads in the country.

Present at the breakfast-conference were Gov. Fernando Veloso of Samar, Reps. Nicanor Yñiguez, Marcelino Veloso, Dominador Tan, and Alberto Aguja of Leyte, and Eladio Balite, Valeriano Yancha, and Felipe Abrigo of Samar, Tacloban City Mayor Artemio Mate, and Leyte Provincial Board Members Emiliano Melgazo and Jose Clemente.

President Garcia today lauded the objective of the Philippine Historical Association of rewriting Philippine history in order to make "a proper assessment of our past."

The President was the principal speaker at the opening session of the PHA annual convention held this morning at the auditorium of the University of the East.

The Spanish rule and the American tutelage are well documented, President Garcia said, but the historians will have difficulty with respect to the facts of Philippine history before the coming of Spain.

The historians, he added, must have the energy and patience to reconstruct the facts from obscure evidences, with the aid of related sciences like archeology, anthropology, and paleontology, and to dig into the records of neighboring nations in the East whose historians must have recorded the intercourse, both commercial and cultural, of the Philippines with their countries.

The session opened with a choral number by the Teachers' Chorus of the Division of City Schools, conducted by Mrs. Candida B. Bautista, after which Dr. Francisco T. Dalupan, president of the University of the East, delivered a welcome address.

After a vocal solo by Mrs. Irinea S. Jeremillo, Prof. Nicolas Zafra, PHA president, who earlier had delivered the keynote address, introduced President Garcia.

AT HIS regular press conference this afternoon, the President spiked what he branded as "speculative" reports quoting Budget Commissioner Dominador Aytona's testimony before a House committee that the government is on the brink of bankruptcy.

Visibly irritated by the report, the President assailed what he termed "speculative reporting" on matters affecting the solvency of the government.

He likewise indirectly hurled a broadside against some members of the House committee on good government, who had disclosed to the press Aytona's testimony which was made under "mantle of secrecy and confidence."

"I assure you," he told his regular press conference today, "there is no fund shortage."

President Garcia reassured the nation that the government is financially stable although he admitted that it is facing "financial difficulties."

At the press conference, the President:

1. Disclosed that Judge Salvador Esguerra, Malacañang legal adviser, has recommended the suspension of National Treasurer Vicente Gella, who is facing administrative charges filed against him by Secretary of Finance Jaime Hernandez;

2. Said that steps are being taken by Secretary Hernandez to expedite the release of ₱50 million from the Philippine National Bank to finance the rice support program of the Administration;

3. Allayed fears of mass lay-offs at the Bureau of Posts or other government offices before Christmas; and

4. Endorsed the move to have a Filipino named a cardinal.

Bristling with indignation, the President denied Aytona had told the House committee on good government that the government is facing bankruptcy.

"Aytona did not make that statement and it is not fair for the budget commissioner to be quoted on the matter affecting the solvency of the government in his testimony which was given in an executive session under the 'mantle of confidence and secrecy,'" the President said.

He recalled that the House committee had denied the story but deplored the fact that the newspapers had published it in inconspicuous columns. He said the rectification was printed "behind the eight ball."

Taking an indirect dig at the press, the President said the newspapers "should not speculate on matters which happened in a closed-door session."

He underlined the fact that the newspapers should not indulge in speculative reporting on the solvency of the government.

However, the President admitted at the latter part of the press conference that the government is facing "financial difficulties."

He said the budget commissioner is unable to release the P2 million needed by the Bureau of Posts, as the government is at present facing financial difficulties.

He attributed this state of affairs to the imbalance in the expected government income and the budgetary appropriations.

He assailed the failure of Congress to pass the tax measures Malacañang had recommended to boost the government income to be able to cover up all the authorized expenditures.

The President said that Aytona, when questioned by the House committee on this sum, asked for time to be able to raise the amounts.

President Garcia, however, spiked reports that government employees in the Bureau of Posts or in the other offices may be laid off *en masse* in view of the financial difficulties of the government.

He pointed out that he would not allow the laying-off of employees before Christmas.

PRESIDENT Garcia administered the oaths of office to four new members of the National Science Development Board in a ceremony held this afternoon in Malacañang.

The new members of the NSDB are Teodoro Evangelista, representing education; Oscar D. Mapua, industry; Jose J. Mirasol, agriculture; and Gregorio Y. Zara, technology.

The ceremony was witnessed by members of the scientific body and friends of the inductees, among them, NSDB Chairman Paulino J. Garcia, acting Chairman Pedro G. Afable of the Philippine Atomic Energy Commission, Dean Amando Clemente, Commissioner Joaquin Marañon of the National Institute of Science and Technology, Director Isidro Macaspac of the National Economic Council, Dr. Arsenio Regala, executive secretary of the NSDB, Mrs. Jose J. Mirasol, Ignacio Debuque, Deputy Commissioner Canuto Manuel of the National Science Institute of Technology, and many others.

After the regular weekly press conference, President Garcia made a taperecording of a message for a documentary film for the Armed Forces of the Philippines being prepared by Documentary, Inc., a local movie company specializing in documentary films, headed by Lamberto Avellana, well-known movie director.

Undersecretary Serafin Salvador of General Services accompanied Estanislao Macaraeg, a local boxing promoter, who requested President Garcia to donate a silver belt for the forthcoming match for the flyweight championship of the world to be held in Manila on December 15.

Macaraeg, who is sponsoring the fight, said the title bout will be between Dommy Ursua and World Champion Pascual Perez of Argentina.

This fight will be the first one to take advantage of RA 1812, fathered by Undersecretary Salvador when he was still a member of Congress, which provides that world title bouts to be held in the Philippines and in which one of the protagonists is a Filipino will be considered tax-exempt.

From Malacañang President Garcia motored to his Bohol Avenue residence, where he spent the rest of the evening poring over the speeches he will deliver during his state visit to Japan next week.

THIS evening President Garcia expressed appreciation to the Committee for American Relief Everywhere (CARE) for the projects they have initiated in the Philippines.

The President expressed his appreciation to Frank Gaffio, assistant director of (CARE), who paid a courtesy call at Malacañang. Gaffio was accompanied by Dr. Allan Kline, director of the CARE office in the Philippines.

Among the many projects set up by CARE in the country is the school-feeding program which is said to be the largest program of its kind in the Far East.

Gaffio revealed that CARE will soon launch in the Philippines an ambitious medical program aimed at minimizing the incidence of intestinal parasites among our schoolchildren. He said three mobile health units, specially constructed for the tropics will soon arrive in the Philippines to administer to the health needs of our children.

Each mobile unit, Gaffio said, is capable of treating approximately 20,000 schoolchildren a year. The necessary arrangements for the implementation of this program have already been made with the Department of Education, which will provide two technicians and a driver for each of these units.

CARE has also started in the Philippines self-help projects in the fields of agriculture, health resettlement, and fishing. To promote further the development of agriculture in the country, it has donated a carabao to a veterans settlement in Iloilo and a tractor to farmers in Isabela.

Gaffio is leaving for Ceylon tomorrow in the course of an inspection tour of CARE offices in the East. He will visit ten countries.

The President created the municipality of Tukuran in the province of Zamboanga del Sur in an executive order he signed tonight in Malacañang.

The new municipality will include the barrios of Tukuran, Luya, Tinotungan, Militar, and Tagolo, all formerly belonging to the municipality of Labangan, Zamboanga del Sur.

Tukuran has a population of 8,225 and an annual income of P24,000. Approximately 39 sitios and barrios are included in its territory.

**November 29.**—**P**RESIDENT Garcia today received Dr. and Mrs. J. Mark Heibert, who paid a courtesy call at the Chief Executive and the First Lady at the music room in Malacañang. Dr. Hiebert is the president of the Sterling Drug, Inc., parent corporation of Winthrop Stearns and Sterling Products, well-known drug manufacturers.

Mrs. Garcia also accepted from Dr. Hiebert a check for P1,000 representing the latter's personal contribution to the Christmas Festival fund campaign which is under the over-all chairmanship of the First Lady.

Dr. and Mrs. Hiebert were accompanied by Paul C. Wren, vice-president and Far East regional director of Winthrop-Sterling, Inc., Mrs. Alvin Burridge, Mrs. Allen Routon, and Antonio L. Reyes, supervisor for Luzon of the Winthrop Stearns, Inc.

PRESIDENT Garcia this noon thanked the veterans' organizations, representing men who fought the Japanese Imperial Forces during the last World War, for endorsing his state visit to Japan.

The Chief Executive made public his gratitude for the veterans' endorsement at a "send-off" luncheon jointly tendered in his honor by the Philippine Veterans Legion and the Veterans Commanders League of the Philippines at the National Press Club.

The endorsement was considered significant by President Garcia because it came from men "who stood firm to the very end for the cause of freedom and democracy."

The President pointed out that his trip to Japan is consistent with the wish of the people, as evidenced by the ratification of the San Francisco Peace Treaty and of the Japanese reparations agreement.

In approving the peace treaty and the reparations agreement, the Philippines, which was the aggrieved party in the last war, showed that it had decided to forget the past for the higher interests of the nation, the President said.

The state visit to Japan, the President added, will usher a new era of friendship between the Filipino and the Japanese peoples.

"I go to Japan as a bearer of good will and friendship of the Filipino people to the Japanese and as friends we will face the future together, working for the mutual benefit of our countries," he stated.

The President and officials of the veterans' organizations who fetched him from his Quezon City residence arrived somewhat late at the National Press Club building as the presidential car had engine trouble.

Legionnaire Jose Arañas, PVL national vice-commander for Luzon, introduced the President. The President spoke extemporaneously for 15 minutes.

The President this day continued to receive overwhelming support of his state visit to Japan from all sectors of the population.

Popular endorsement of the President's trip came in the form of telegrams, letters from private individuals, and resolutions passed by provincial boards and municipal councils throughout the Philippines.

In his telegram to the President, Carlos T. Viniegra, president of the Cavite Bar Association, made of record the association's unconditional support and endorsement of the President's state visit to Japan "in order to enhance the prestige of the Philippines in the concert of nations."

The president of the San Fernando Jaycees and the La Union Council of the Boy Scouts of the Philippines, wired the President saying that his two organizations are solidly behind the President's Japan visit. He said he saw three benefits to be derived from the state visit; namely, goodwill, diplomatic, and economic advantages.

Mayor Felix T. Reyes of Malolos, Bulacan, on the other hand, pledged the support of the people of Malolos to the President's visit and warned would-be detractors from dampening the spirit of the goodwill mission.

Similar telegrams also came from Gov. Conrado Estrella of Pangasinan; the people of Guiguinto, Bulacan; General Trias, Noveleta, Silang, and Rosario, Cavite; and Mayor Santos of Muñoz, Nueva Ecija.

Among the resolutions received were those of the provincial board of La Union and the municipal council of Imus, Cavite, which said that after weighing the pros and cons of the President's state visit to Japan, the council saw the necessity for, and the benefits to be derived from, such trip.

The municipal council of Concepcion, Tarlac, said that the goodwill mission of President Garcia to Japan was necessary if only to foster closer relations between the Philippines and Japan, and wished the President a very successful trip.

Among the letters endorsing the President's trip came from Mayor Tomas Hembrador of Dasmariñas, Cavite; Mayor Dominador Ilano of Imus, Cavite, who is bed-ridden; Luis Tamayo of Olongapo, Zambales; Jacobo Musilina of Sta. Cruz, Zambales; and Macario Josafat of Iba, Zambales.

THIS afternoon President Garcia called upon the women professionals of the Philippines to venture into private fields of endeavor in order to assist more effectively the economic development of the Philippines.

The President told some 300 women chemical engineers of the Philippines that this country is one of those blessed by Divine Providence with rich natural resources; such as, minerals, forest lands, and fishing grounds.

The President said that these resources are virtually untapped, awaiting eager hands to exploit them, and that the women professionals can play a major role in their development.

The President congratulated the women chemical engineers of the Philippines for their success in their chosen field and said that their example should be emulated by other women professionals of the Philippines.

President Garcia was the guest speaker at the inaugural program of the Women Chemical Engineers of the Philippines (WOCHEP) held at the Malacañang Social Hall Saturday afternoon.

During the program, Mrs. Leonila D. Garcia was awarded the first Gold Medal award of the organization for being the "first most distinguished woman" in the Philippines who holds a degree in the technological profession.

Mrs. Garcia holds the degree of Bachelor of Science in Pharmacy and was the first pharmacist from her hometown, Opon, Cebu.

President Garcia pinned the award on her.

The program, which climaxed the celebration of Women's Week was emceed by Mrs. Celia Gallego Bantegui.

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## EXECUTIVE ORDERS, PROCLAMATIONS AND ADMINISTRATIVE ORDERS

MALACAÑANG

RESIDENCE OF THE PRESIDENT  
OF THE PHILIPPINES  
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

PROCLAMATION NO. 545

DECLARING THURSDAY, NOVEMBER 27, 1958, AS A  
SPECIAL PUBLIC HOLIDAY FOR NATIONAL  
THANKSGIVING

WHEREAS, it is fitting that a day be set aside on which to dedicate our noblest thoughts in prayer and thanksgiving to God for all the blessings He has showered upon us;

NOW, THEREFORE, I, Carlos P. Garcia, President of the Philippines, do hereby declare Thursday, November 27, 1958, as a special public holiday for national thanksgiving. I call upon all the people to turn their thoughts on that day to the Lord and offer Him a prayer of thanks for all the blessings He has bestowed upon us.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the Republic of the Philippines to be affixed.

Done in the City of Manila, this 24th day of November, in the year of Our Lord, nineteen hundred and fifty-eight, and of the Independence of the Philippines, the thirteenth.

[SEAL]

CARLOS P. GARCIA  
*President of the Philippines*

By the President:

JUAN C. PAJO

*Executive Secretary*

MALACAÑANG

RESIDENCE OF THE PRESIDENT  
OF THE PHILIPPINES  
MANILA

BY THE PRESIDENT OF THE PHILIPPINES

PROCLAMATION No. 546

AUTHORIZING THE PHILIPPINE CANCER SOCIETY  
TO CONDUCT A NATIONAL EDUCATIONAL,  
MEMBERSHIP, AND FUND DRIVE DURING THE

PERIOD FROM DECEMBER 15, 1958, TO FEBRUARY 15, 1959

WHEREAS, cancer being the cause of the death of a great number of people in the Philippines, its prevention and eventual eradication are matters of immediate and common concern;

WHEREAS, the Philippine Cancer Society has successfully spear-headed the move in this direction through the work and activities of its diagnostic and detection center which has served hundreds of those afflicted with the disease since the organization of the Society two years ago;

WHEREAS, the progress which the Society has achieved in the pursuit of its objectives is also due to its efforts to disseminate information on the disease and its prevention and control; and

WHEREAS, the Society has not been able to meet fully the public demand for its services for lack of funds for the further improvement and expansion of its work and activities;

NOW, THEREFORE, I, Carlos P. Garcia, President of the Philippines, by virtue of the authority vested in me by law, do hereby authorize the Philippine Cancer Society to conduct a national educational, membership, and fund campaign from December 15, 1958, to February 15, 1959. I call upon all citizens and residents of the Philippines, irrespective of nationality, race, or creed, to assist in this humanitarian campaign by giving generously of their means so that it may be a complete success.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the Republic of the Philippines to be affixed.

Done in the City of Manila, this 24th day of November, in the year of Our Lord, nineteen hundred and fifty-eight, and of the Independence of the Philippines, the thirteenth.

[SEAL]

CARLOS P. GARCIA  
*President of the Philippines*

By the President:

JUAN C. PAJO  
*Executive Secretary*

## MALACAÑANG

RESIDENCE OF THE PRESIDENT  
OF THE PHILIPPINES  
MANILABY THE PRESIDENT OF THE PHILIPPINES  
ADMINISTRATIVE ORDER No. 284CREATING A SPECIAL COMMITTEE ON BACKPAY  
CLAIMS

By virtue of the powers vested in me by law, I, Carlos P. Garcia, President of the Philippines, do hereby create a Special Committee on Backpay Claims to introduce such innovations and make such changes, conformably with existing laws, in the personnel assignment, operational setup, and office policies and procedures of the Backpay Unit, Bureau of the Treasury, Department of Finance, as may bring about the speedy and efficient processing, disposition, and satisfaction of backpay claims under Republic Act No. 304, as amended by Republic Acts Nos. 800 and 897, and also to take the necessary steps for the procurement and proper administration of the backpay sinking fund.

## 1. The Committee shall be composed of the following:

Mr. Pedro V. Aguilar, Chief Supervising Auditor, General	
Auditing Office .....	Chairman
Mr. Ruben de Castro, Assistant Chief, Management Service, Budget Commission .....	Member
Mr. Rodolfo Ocampo, Secretary to the Chairman, Presidential Committee on Administration Performance Efficiency .....	Member

2. The Treasurer of the Philippines and all other officials and employees at the Backpay Unit, Bureau of the Treasury, are hereby enjoined to extend full assistance and cooperation to the Special Committee and its Consultants on Backpay Claims. Technical assistance in the work of this Committee will be furnished by the Budget Commissioner.

3. The Committee is further authorized to call upon any department, bureau, office, agency, or instrumentality of the Government, or upon any officer or employee thereof, for such assistance as it may need in the performance of its work.

4. The Committee may submit partial reports and recommendations from time to time to the Secretary of Finance who shall advise the President of the Philippines of the progress of the Committee work, but it shall complete and submit a final report not later than three months from the date thereof. Its final report shall state among other things the conditions of affairs in the Backpay Unit before and after the implementation of the re-

medial measures deemed necessary and practicable by the Committee.

5. Administrative Order No. 88, dated December 7, 1954, is hereby revoked.

Done in the City of Manila, this 25th day of November, in the year of Our Lord, nineteen hundred and fifty-eight, and of the Independence of the Philippines, the thirteenth.

CARLOS P. GARCIA  
*President of the Philippines*

By the President:

JUAN C. PAJO  
*Executive Secretary*

## DEPARTMENT AND BUREAU ADMINISTRATIVE ORDERS AND REGULATIONS

### Department of Justice

#### **OFFICE OF THE SOLICITOR GENERAL**

ADMINISTRATIVE ORDER No. 162

*November 6, 1958*

DESIGNATING MANAGER OF PRISONS INDUSTRIES PEDRO S. PAJE, BUREAU OF PRISONS, AS ACTING ASSISTANT DIRECTOR OF PRISONS.

In the interest of the public service and pursuant to the provisions of section 555 of the Revised Administrative Code, Mr. Pedro S. Paje, Manager of Prisons Industries, Bureau of Prisons, is hereby designated as Acting Assistant Director of Prisons, without extra compensation, effective today, November 6, 1958, and to continue until the return of the Assistant Director of Prisons who was suspended by the President yesterday, November 5, 1958.

JESUS G. BARRERA  
*Secretary of Justice*

ADMINISTRATIVE ORDER No. 163

*November 6, 1958*

DESIGNATING UNDERSECRETARY OF JUSTICE ENRIQUE A. FERNANDEZ AS ACTING DIRECTOR OF PRISONS.

In the interest of the public service and pursuant to the provisions of section 555 of the Revised Administrative Code, Mr. Enrique A. Fernandez, Undersecretary of Justice, is hereby designated as Acting Director of Prisons, without extra compensation, effective today, November 6, 1958, and to continue until the return of the Director of Prisons who was suspended by the President yesterday, November 5, 1958.

JESUS G. BARRERA  
*Secretary of Justice*

ADMINISTRATIVE ORDER No. 164

*November 5, 1958*

APPOINTING SPECIAL ATTORNEY RAFAEL SILVA OF THE PROSECUTION DIVISION AS ACTING PROVINCIAL FISCAL OF BA-

TAAN IN THE INVESTIGATION AND PROSECUTION OF A CERTAIN CASE.

In the interest of the public service and pursuant to the provisions of section 1679 of the Revised Administrative Code, Mr. Rafael Silva, Special Attorney in the Prosecution Division of this Department, is hereby appointed Acting Provincial Fiscal of Bataan in the investigation and prosecution of the case entitled "People of the Philippines vs. Rosario Gabaya", Criminal Case No. 4873 (CFI, Bataan) for Perjury, effective immediately and to continue until further orders.

JESUS G. BARRERA  
*Secretary of Justice*

ADMINISTRATIVE ORDER No. 165

*November 5, 1958*

DESIGNATING JUDICIAL SUPERINTENDENT EULALIO D. PICHAY AND ATTORNEY LEONIDES DE LEON TO ASSIST THE UNDERSECRETARY OF JUSTICE IN THE INVESTIGATION INTO THE GENERAL CONDITIONS OF THE BUREAU OF PRISONS.

In the interest of the public service, Mr. Eulalio D. Pichay, Judicial Superintendent, and Mr. Leonides de Leon, Attorney, this Department, are hereby designated to assist the Undersecretary of Justice in his investigation into the general conditions existing in the Bureau of Prisons, etc., pursuant to Administrative Order No. 79 dated June 10, 1958, and in the discharge of his duties as Acting Director of the Bureau of Prisons.

JESUS G. BARRERA  
*Secretary of Justice*

ADMINISTRATIVE ORDER No. 166

*November 6, 1958*

DESIGNATING DISTRICT JUDGE BIENVENIDO A. TAN OF MANILA TO SIT TEMPORARILY AS JUDGE OF THE COURT OF INDUSTRIAL RELATIONS.

Pursuant to the provisions of section 1 of Commonwealth Act No. 108, as amended, and upon

request of the Presiding Judge of the Court of Industrial Relations, the Honorable Bienvenido A. Tan, District Judge of Manila, Thirteenth Branch, is hereby designated to sit temporarily as Judge of the Court of Industrial Relations in connection

with Case No. 1143-ULP entitled "Fausto Cabuco, petitioner, vs. Manila Sanitarium Hospital and/or H. L. Dyer, respondents".

JESUS G. BARRERA  
Secretary of Justice

## Department of Public Works and Communications

### DEPARTMENT ORDER No. 245

*September 29, 1958*

### RULES AND REGULATIONS GOVERNING THE PROCEDURE IN THE DETERMINATION OF WATER RIGHTS CONTROVERSIES.

For the information and guidance of all concerned, the following rules and regulations governing the procedure in the determination of water rights controversies are hereby promulgated:

1. All complaints regarding water rights controversies shall be in writing and must contain the facts upon which they are based together with the names and addresses of the complainant and the respondent.

2. Any agency of the Department of Public Works and Communications with which a complaint is filed shall immediately furnish the Office of the Secretary a copy thereof.

3. Upon receipt of the complaint, the agency concerned shall furnish the respondent a copy thereof and by written notice sent by registered mail inform both parties that an investigation thereon will be conducted at a place and on a date indicated therein and that the parties may appear with the help of counsel should they so desire. However, steps toward the amicable settlement of the case may be taken whenever the same is legally possible. Such amicable settlement shall in all cases be in writing and signed by both parties. A report, with comment and recommendation, shall be submitted to the Director of Public Works or the head of the agency, as the case may be, within ten (10) days from such amicable settlement.

4. The Agency with which a complaint is filed shall conduct the investigation as soon as possible after having complied with the preceding paragraphs.

5. The Director of Public Works shall send investigators from the Central Office to investigate a particular water rights case where the questions or issues involved are complicated, where one or both parties so request in writing, or for any other valid or reasonable ground.

6. In all investigations, both parties to the controversy shall always be afforded the opportunity to confront and cross-examine the witnesses of the opposite party.

7. Requests for postponement of an investigation shall be based on valid and reasonable grounds and the grant or denial thereof rests on the sound discretion of the investigator.

8. Unless otherwise agreed upon by the parties, any formal investigation shall be held in the municipality where the controversy is located.

9. Investigations of water rights controversies shall consist of a formal hearing and a physical or ocular inspection of the premises where the parties thereto may submit their respective testimonial and documentary evidence.

10. The investigator shall submit his report, together with the record of the investigation, including all documentary evidence presented and a comprehensive sketch of the premises involved in the controversy, to the Director of Public Works or the head of the agency concerned within fifteen (15) days from the date of the termination of the investigation unless extended by the latter; provided, further, that the head of the agency shall forward said report with comment and recommendation, to the Director within five (5) days from his receipt thereof.

11. The report of investigation shall, among others, contain the following:

- a. Names and mail addresses of the parties.
- b. Nature of the controversy.
- c. Summary of the allegations and proofs of both parties.

- d. Clear and concise statement of the findings of facts as found in the ocular inspection and formal hearing.

- e. Conclusion and recommendation.

12. Any party of the case may submit his memorandum to the investigator after the termination of the formal hearing within a time limit not exceeding fifteen (15) days as may be determined by the latter. Any memorandum submitted outside the period specified may no longer be considered in the final disposition of the case.

13. The Director of Public Works after receipt of the record of the case shall forward the same, with comment and recommendation, to the Secretary of Public Works and Communications for decision.

14. Decisions, resolutions and orders in water rights controversies shall be in writing stating clearly and distinctly the facts and the law on which it is based.

15. The Director of Public Works or his duly authorized representative shall furnish copies of

the decision to the contending parties personally or by registered mail with return card. If the decision, resolution or order is personally served upon the parties, they should be made to acknowledge receipt thereof by signing on a duplicate copy of said decision, resolution or order his name and the date of receipt thereof, witnessed by the person serving the same. Should the respondent refuse to acknowledge receipt of the decision, resolution or order a written statement to that effect signed by the person serving the same shall be submitted. In all cases, decisions, resolutions and orders shall be served upon the parties within five (5) days from the date of receipt thereof by the head of the agency concerned other than the Director of Public Works,

16. After the lapse of thirty (30) days from receipt of the copies of the decision by the contending parties, the agency serving the same shall within ten (10) days inspect the premises and forward to the Director of Public Works the acknowledged copies of the decision or the return cards, as the case may be, together with a report of its findings theron with comment and recommendation.

17. Motions for reconsideration and/or reinvestigation may be filed before the decision has become final and executory and the filing thereof interrupts

the running of the period of thirty (30) days provided in the Irrigation Act in the discretion of the Secretary of Public Works and Communications. In no instance will subsequent motions, of unmeritorious nature, be entertained.

18. The interruption of the period provided in the next preceding paragraph shall commence from the time said motion has been received in the Office of the Secretary, Office of the Director of Public Works or the field offices, as the case may be. If such motion is filed by mail, the interruption of the period shall commence from the day it is received in the post office of origin.

19. Motions for reconsideration and/or reinvestigation may be filed after the decision has become final and executory, provided, the delay in the filing thereof is caused by fraud, accident, justifiable mistake, or excusable negligence and, provided, further, that the case is still within the jurisdiction of the Office of the Secretary, Department of Public Works and Communications.

20. The investigator is not obliged to follow strictly the rules of evidence but may, on the contrary, proceed to hear the case fully and equitably.

M. D. BAUTISTA  
*Undersecretary*

## Department of Commerce and Industry

### FIBER INSPECTION SERVICE

#### FIBER INSPECTION ADMINISTRATIVE ORDER NO. 8

*October 22, 1958*

#### AMENDING ADMINISTRATIVE ORDER NO. 4, ESTABLISHING STANDARD GRADES FOR "COIR" PRODUCED FROM HUSKS OF CO- CONUT (COCOS NUCIFERA, LINN).

1. Administrative Order No. 4 is hereby further amended by establishing standard grades for "COIR" produced from husks of coconut. In view of the growing importance as an export product now being attained by Coir, grown in the Philippines, the pertinent provisions of Administrative Order No. 4 (Revised) are hereby further amended to include Coir for which official standard grades are hereby established for the information and guidance of all concerned:

<i>Letter Designation</i>	<i>Name of Grade</i>
(1) CH-1	Coir Good
(2) CH-2	Coir Fair
(3) CH-3	Coir Mixed
(4) CH-W	Coir Waste

#### *Description of the Grades*

CH-1, Coir Good.—This is the highest grade of coir. The fiber is, generally, of good cleaning, although in some cases where the decorticating process has not been properly carried out, the presence

of pulps in the fiber is very noticeable. The color ranges from light brown to almost dark brown. The length should not be less than 5 inches on average. The texture may be described as stiff, tough and resilient. The fiber shall be perfectly dry. No crumpled or tangled fiber is allowed in this grade.

CH-2, Coir Fair.—In this grade, the fiber is of fair cleaning. The defibering process has not been properly done, and the fiber is irregularly cleaned with the fiber stucked together; hence, the presence of considerable pulps. The strips shall not exceed one millimeter in width on the average. The texture may be described as harsh. The length is similar to CH-1. The color ranges from dull brown to dark brown approaching black. The fiber shall be perfectly dry. No crumpled or tangled fiber is allowed in this grade.

CH-3, Coir Mixed.—The fiber in this grade is a mixture of good and fair cleaning—generally crumpled and tangled. The color ranges from light brown to dull brown. The length of the fiber shall not be less than 2½ inches on the average. The texture is spongy and less stiff than CH-1, and CH-2. It is free from coir dust and hard, undefibered portion of the husk. However, the presence of some short, partially decorticated fiber and pulps may be allowed provided it is not excessive. The fiber in this grade shall be perfectly dry.

CH-W, Coir Waste.—This grade consists of coir dust and fiber too short to fit in any of the regular grades of coir, *provided*, that the width of such short fiber shall not exceed one millimeter. The fiber and dust shall be perfectly dry.

*Baling*

The same rules and regulations governing the baling, tagging, marking, inspection and shipment as contained in the Fiber Inspection Administrative Order No. 5 (Revised) shall apply to Coir as in the case of abaca, maguey, sisal, ramie and other fibers, included in the Fiber Inspection Administrative Order No. 4 (Revised).

However, in the case of the grade Coir Waste which is composed of dust and very short fiber—the usual baling of which is impractical, a suitable container of good material may be used to pack this

grade, provided that such container can accommodate not less than one picul of Coir dust and short fiber. Also, in the case of grade Coir Mixed which is too bulky in relation to its weight, the bale may be reduced to one picul in weight. The provisions of Section 9 subsection (e) of Fiber Inspection Administrative Order No. 5 (Revised) shall apply to the baling of Coir.

2. This Order shall take effect after publication in the *Official Gazette*.

Approved: November 6, 1958.

PERFECTO E. LAGUIO  
*Undersecretary of Commercioe  
and Industry*

Recommended by:

VICENTE MITRA  
*Acting Manager*

## APPOINTMENTS AND DESIGNATIONS

### *Ad Interim Appointments*

*September 1958*

Teodoro Evangelista, Jose J. Mirasol, Oscar B. Mapua, and Gregorio Zara as Members of the National Science Development Board, September 29.

*November 1958*

Dr. Adeudato J. Agbayani and Gerdencio Manuel, Esquire, as Foreign Affairs Officers, Class IV, November 10.

### *Designations by the President*

*November 1958*

Antonio F. Garcia as Acting Director of the Veterans Affairs of the Philippine Veterans Board, November 17.

## HISTORICAL PAPERS AND DOCUMENTS

PRESIDENT GARCIA'S SPEECH AT THE FORMAL OPENING CEREMONIES OF THE "ATOMS-FOR-PEACE" EXHIBITS AT THE INSTITUTE OF SCIENCE BUILDING, TUESDAY AFTERNOON, NOVEMBER 25, 1958

LADIES AND GENTLEMEN:

I LOOK upon this privilege of opening the Atom-for-Peace exhibits as a distinct honor for which I thank the officials of the National Science Development Board and the Philippine Atomic Energy Commission.

I recollect that some two months ago, on this very same spot, it was my privilege to deliver an address on the occasion of the opening of the UNESCO exhibit on energy and its various transformations. In that exhibit the emphasis was placed on the more conventional sources of energy.

This evening it is once more my privilege to open another exhibit on energy, this time exclusively on one kind—a new form of force unequalled perhaps by any other in the tremendous impact it has wrought on humanity's political, social, and economic thought.

It is rather unfortunate that atomic energy made its bow to the world in the form of an awesome military weapon, for the average layman could not thereafter think of this new force without conjuring the spectacle of a holocaust of death and destruction. The peaceful potentials of this form of energy paled before the dark spectre of its fearful capacity to destroy.

And yet the years following the dawn of the atomic era saw rapid progress in technological development for the utilization of atomic energy in man's peaceful pursuits. These were advancements for the welfare of humanity—less attended with drama but of equal if not greater significance to man.

It is a paradox of each advance in knowledge—illustrated in its ultimate sense by atomic power—that what can destroy can also build, and that it remains only for man to choose to what end he shall direct the fruits of his creative genius.

Thus, man learned how to split the atom. Out of this knowledge he spawned the nuclear bomb and its implications of total destruction and death.

Yet out of that very same knowledge has come hope—hope in the form of a new source of power to replenish our dwindling fuels, new methods of treatment for man's ancient diseases, better breeds of plants and animals to feed the hungry, new techniques for our industries, new knowledge to help cloth, shelter, and satisfy the wants of the world's teaming millions.

Out of the same knowledge that rained death in Hiroshima have come answers to secrets that may someday enable man to banish misery and hunger from this earth forever.

Faced with the alternative of his own extinction or the chance for a better world, we declare here our great faith on man's good judgment of choosing the course that would lead to his own ultimate good. We express here our unshakeable belief that man will use nuclear power to serve, rather than annihilate, himself; that using his faculty of reason, man will, in the words of a famous writer, not only endure but prevail.

It is our belief—and prayer—that the world has made its choice and that the awesome secrets man has discovered will not be used to destroy but to build, that mutual destruction has cancelled out total war, and that the fury of the struggle between totalitarianism and freedom will more and more confine itself to gaining the allegiance of the world through means for the realization of a better life.

Thus, we witness a delirious race not only for supremacy in atomic weapons. Presently going on is a struggle for the loyalty of the uncommitted millions through technical and financial aid designed to increase food supply, lessen disease, raise production, and improve social institutions among underdeveloped countries.

And in the latter—as in the former race—science will be a foremost battleground.

The Philippines, heir to centuries-old problems of ignorance, want, and population, has, like all other countries, turned to science as one of the strongest hopes for the solution of her problems.

Independence, intensified methods of communication, the universalization of basic education, and the efforts of our government as well, have given to our people a scale of values and aspirations that are definitely higher than those of our forbears. Many of our people, inured to near-hunger, near-ignorance, and disease, have realized suddenly that a better life is possible and can be theirs, ought to be theirs.

We have sought to foster those aspirations. And we have sought to help our people achieve them. We have dedicated the Administration to helping the great masses of our people realize a greater and greater portion of their dreams. In the face of a population that is growing at the phenomenal rate of 2.9 per cent every year—breeding new problems and compounding old ones—we are attempting a production and industrialization program intended to render us a little less dependent on foreign sources for staple foods and finished goods. We are pushing roads through forests, building better ones where inadequate facilities existed. We have explored the possibilities of utilizing

to the fullest our mineral and agricultural resources. We have tried to accomplish, and are on the verge of producing, enough of our basic staples for the first time in several generations. We are trying to spread out among as many of our people the benefits of greater knowledge and greater awareness.

These and a thousand others, this administration is attempting—and attempting it at a pace that is both frenetic and inspired. This generation is seeking to achieve in decades what has taken other countries hundreds of years to accomplish.

And yet we realize only too vividly that these goals could never be achieved at a pace that is desired without seeking newer, faster, and more effective tools and methods than are available to us today. The old methods just will not suffice. It is in this thought that our country, as the world has done, has turned to science. Our resources are not limitless, our land grows not no matter how fast our population expands. What remains for us is to produce more food, more clothing, more crops using the same lands, the same resources that we have. We are seeking for a maximum of production from a minimum of materials—a goal only science can achieve for us.

I, therefore, take the greatest pride in the knowledge that this administration has not only realized this truth but acted upon it with dispatch. In its last session, the Congress enacted Republic Act 2067, known as the Science Act of 1958, which provides for the first time for a truly coordinated and truly national science program. The scattered and often duplicated research efforts of both public and private agencies can now be given that degree of integration that can help produce the greatest results at the lowest cost.

In amplification of the constitutional provision that the State shall foster science, Republic Act 2067 has declared it a policy of the state to "promote scientific and technological research and development, foster invention, and utilize scientific knowledge as an effective instrument for the promotion of national progress."

In the implementation of such a policy the Government is committed, among others, to;

(a) Stimulate and guide scientific, engineering, and technological efforts towards filling the basic and immediate needs of the people;

(b) Survey the resources of the country and formulate a comprehensive program for the development and maximum utilization of such resources in the solution of the country's problems;

(c) Strengthen the educational system of the country so that the same will provide a steady source of competent scientific and technological manpower; and

(d) Promote coordination and cooperation in research in order to secure concentration of efforts, minimize duplication, and thereby achieve maximum progress.

This is the pervading reason behind the Act: That the almost limitless aids and resources which science can offer be concentrated into the solution of our problems.

As an instrument of such a policy, the Science Act created the National Science Development Board primarily as a body to set policies and coordinate programs in scientific research and development. It also set up the Philippine Atomic Energy Commission and the National Institute of Science and Technology as implementing arms for the development and pursuit of research in their respective fields of endeavor.

Our science program, therefore, will concern itself with research and development which will help improve the national economy and produce immediate results. Our first researches are designated to solve some of the many complex and urgent problems of Philippine agriculture, industry, medicine, biology, and engineering.

With particular reference to nuclear science and development, researches utilizing radioactive materials which are of immediate urgency and application will be pursued.

Thus, some of the first activities of the Philippine Atomic Energy Commission will consist of studies on the breeding of more resistant and high-yielding rice varieties; the discovery of cures for coconut diseases, particularly cadang-cadang which has almost crippled the industry in certain areas of the country; studies on fertilizer; the absorption of sugar by plants and weed-killers; nuclear engineering processes, and physiological studies on domestic animals, utilizing in all such studies nuclear techniques and processes.

Of immediate importance as well is the establishment of the Philippine Nuclear Research Center, the core of which will be a \$500,000-reactor facility granted to the Philippines under the United States-Philippine Bilateral Agreement of July 27, 1955. Presently, negotiations are going on for the implementation of the U. S. grant and subsequent final acquisition of the research reactor from American manufacturers. For its part, the Philippines under the Agreement is committed to provide the building and facilities to house the reactor and bear the operational costs of the reactor project. The construction of the reactor building and supporting laboratory facilities is scheduled to begin about the early part of next fiscal year.

Our long-range nuclear program will consider the technology and economics of nuclear energy with respect to our power program. The prospects of greater industrial growth in our country has often been discounted owing to our alleged lack of power resources. Nuclear power may well provide the answer to this lack.

Also in the class of future plans are the expansion of the use of radioisotopes in research on medical therapy, food preservation, especially fish and meat, control of native plant pests and diseases, and improvement in our crop plants by induced mutations and greater availability of power.

It will be noted that the Philippine nuclear program is geared to the peaceful uses of atomic energy. The Philippines—and we consider this a boon—has neither the resources nor the predilection to engage in researches on nuclear warfare.

This administration, through the Science Act of 1958, has given concrete proof of its stated intention to foster science and utilize its techniques more fully in the search for better and more effective solutions to our many economic problems. Republic Act 2067 of itself is most explicit in these intentions, and the developments during these last few months, one of which is the coming establishment of a full-pledged nuclear research center, should leave no doubt as to the course which this government has taken with regard to science.

This administration considers the evolution of new and more effective scientific processes and methods as one of the greatest hopes in the solution of our country's many problems. Consequently, we bind ourselves to give the country's science effort the measure of financial, moral, and administrative support that it deserves.

Realizing that superior scientific skill is as much subject to the play of market forces as any other commodity, this administration shall endeavor to attract the best minds to the service of our government's science program by means of substantial emoluments, grants, scholarships, awards, and promotions through merit and other incentives for dedicated service to science.

Knowing that the success of a coordinated science program hinges upon the creation and the maintenance of a core of excellent and well-trained scientists and technicians, this administration shall endeavor to foster the growth of such group through scholarship for brilliant science students, training grants abroad, and better opportunities for service in the government.

Mindful of the fact that scientific research and development can proceed only with the necessary financial support, this administration will seek to provide our scientific agencies with enough funds to pursue a creditable program of scientific research and development geared to our defined objectives.

Cognizant of the pressing needs of our economy, we shall direct our immediate program of research and development to discovering solutions to such problems as presently beset it, leaving for tomorrow the pursuit of projects of longer range and future application.

Realizing that scientific research and development can never be a monopoly of the government, we shall seek to foster cooperative efforts in research between our public agencies and private institutions. We shall also, whenever feasible, support, through financial and technical aids, worthwhile researches by qualified private scientists.

Knowing the multitude of uses to which nuclear energy can be applied and the still burgeoning growth of its areas of use, this administration will seek to expand our present nuclear research and development program so as to give the people the full benefits of its powerful and versatile force of nature.

At the start of this presidential term, we outlined to our people several goals that we would set out to achieve—God willing—during the short time given us. Nothing less than the united labors of all social, economic, and political sectors can help us accomplish them. The government can only lead, or guide, or help—it cannot accomplish everything. So much room for purposeful action is left to our private institutions and our people.

One of such goals has been increased economic growth. Within the powers granted us—and using the processes that are available to democratic governments—this government will strive to give our people a little more food, a little more vision, until we arrive at that aspiration of reasonably self-sufficient independence that has evaded us for centuries.

In seeking to attain this end, we have called, and we shall call, to the forefront the thinker, the executive, the teacher, the farmer, the industrialist, the worker—the scientist.

To the last especially, we here state that it shall be one of our primary intentions to let the scientist assume a greater and more dynamic role than that which he had before. We have provided him with the agencies within which to labor. We have given him—and hope to give him more—of the incentives and support with which to evolve from nature's unknown recesses knowledge that can help his countrymen live in greater satisfaction and dignity.

It has been given our times to witness hard challenges. But hard eras breed great dreams—and great dreams a great generation. In these troubled times, we have been courageous enough to set for ourselves the vision of emancipating, within our life time, the greater portion of our people from our heritage of want and ignorance. The goal is great and noble and the reward less than that history shall remember this generation as one that gave to its sons—through its courage, brawn, and intellect—the legacy of a richer and fuller life.

## DECISIONS OF THE SUPREME COURT

[L-9640. November 26, 1957]

HERMENEGILDO MANLAPAZ, plaintiff and appellant, *vs.* SERAFIN PAGDANGANAN, defendant and appellee

1. PLEADINGS AND PRACTICE; JUDGMENTS; RES JUDICATA; ONLY JUDGMENT ON MERITS BARS SECOND ACTION.—To bar a second case, a prior judgment must be on the merits.
2. COURTS; JURISDICTION, HOW DETERMINED.—The jurisdiction of a court is determined by the nature of the cause of action and the relief as alleged and sought in the complaint, and not by the averments in the answer.
3. ID.; ID.; COURT OF AGRARIAN RELATIONS; TENANCY DISPUTES.—Republic Act No. 1267, as amended by Republic Act No. 1409, places all questions and controversies of tenancy under the jurisdiction of the Court of Agrarian Relations. In order, however, that the said court may acquire jurisdiction, it is indispensable that there should first exist between the parties a tenancy relationship.

APPEAL from an order of the Court of First Instance of Manila. Bayona, *J.*

The facts are stated in the opinion of the Court.

*Pacífico C. García* for plaintiff and appellant.

*Onofre P. Guevarra* for defendant and appellee.

PARÁS, *C. J.:*

The plaintiff filed in the Court of First Instance of Manila a complaint for the collection of rentals due from the defendant in the amount of ₱3,125. The latter filed a motion to dismiss, alleging lack of jurisdiction and *res judicata*, and that cases of whatever nature involving agricultural land, like that involved in the complaint, should be filed in the Court of Agrarian Relations; and that a case between the same parties and over the same subject matter had already been decided by the Municipal Court of Manila. The court dismissed the complaint on the ground of *res judicata*. Hence this appeal by the plaintiff.

The records show that the Municipal Court of Manila dismissed the prior case invoked by the appellee solely on the ground of lack of jurisdiction. The Court of First Instance of Manila therefore erred in sustaining the plea of *res judicata*, because in order that a prior judgment may bar a second case, said judgement must be on the merits.

*Bayot vs. Zurbito*, 39 Phil. 650; 17 Am. Jur. 96-97; 50 C.J.S. 72, 166.)

The jurisdiction of a court is determined by the nature of the cause of action and the relief as alleged and sought in the complaint, and not by the averments in the answer. The complaint herein is for the recovery of unpaid rentals amounting to ₱3,125. The copy of the contract of lease

executed by the parties and attached to the complaint does not disclose any tenancy relationship. It is true that Republic Act No. 1267, as amended by Republic Act. No. 1409, places all questions and controversies of tenancy under the jurisdiction of the Court of Agrarian Relations; but it is indispensable that there should first exist between the parties a tenancy relationship. "The Court shall have exclusive and original jurisdiction over the entire Philippines to consider, investigate, decide, and settle all questions, matters, controversies or dispute involving all those relationships established by law which determine the varying rights of persons in the cultivations and use of agricultural land where one of the parties works the land." Section 7, Republic Act No. 1267, as amended by Republic Act No. 1409.)

It appearing clearly from the complaint that there is no tenancy relationship between the plaintiff and the defendant, and the relief sought is within the jurisdiction of the Court of First Instance of Manila, the order appealed from is hereby reversed and said court is directed to give due course to the case. So ordered with costs against the appellee.

*Bengzon, Padilla, Montemayor, Reyes, A, Bautista Angelo, Labrador, Reyes, J. B. L., Endencia, and Felix JJ., concur.*

*Order reversed.*

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No. L-9871. January 31, 1958]

ATKINS, KROLL & Co., INC., petitioner and appellant, vs.  
B. CUA HIAN TEK, respondent and appellee

1. OBLIGATIONS AND CONTRACTS; SALES; OFFER TO SELL A DETERMINATE THING FOR A PRICE CERTAIN; ACCEPTANCE OF OFFER; EFFECT OF; LIABILITY OF THE OFFEROR AND OFFEREES.—The acceptance of an offer to sell a determinate thing for a price certain creates a bilateral contract to sell and to buy. The offeree, upon acceptance, *ipso facto* assumes the obligations of a purchaser. On the other hand, the offeror would be liable for damages if he fails to deliver the thing he had offered for sale.
2. ID.; ID.; ID.; OPTION WITHOUT CONSIDERATION.—If an option is given without consideration, it is a mere offer of contract of sale, which is not binding until accepted. If, however, acceptance is made before a withdrawal, it constitutes a binding contract of sale, even though the option was not supported by a sufficient consideration.
3. PLEADING AND PRACTICE; APPEAL; CHANGE OF THEORY ON APPEAL  
NOT PERMITTED.—Where, a party deliberately adopts a certain theory, and the case is tried and decided upon that theory in the court below, he will not be permitted to change his theory on appeal.

REVIEW by certiorari of a decision of the Court of Appeals.

The facts are stated in the opinion of the Court.

Ross, Selph, Carrascoso & Janda for the defendant and appellant.

Ponceano T. Castelo for plaintiff and appellee.

BENGZON, J.:

Review of a Court of Appeals' decision.

For its failure to deliver one thousand cartons of sardines, which it had sold to B. Cua Hian Tek, petitioner was sued, and after trial was ordered by the Manila court of first instance to pay damages, which on appeal was reduced by the Court of Appeals to ₱3,240.15 representing unrealized profits.

There was no such contract of *sale*, says petitioner, but only *an option to buy*, which was not enforceable for lack of consideration because in accordance with Art. 1479 of the New Civil Code "an accepted unilateral promise to buy or to sell a determinate thing for a price certain is binding upon the promisor if the promise is supported by a consideration distinct from the price."

Simple are the facts of this case: Dated September 13, 1951, petitioner sent to respondent a letter of the following tenor:

"Sir(s) /Madam:

We are pleased to make you herewith the following firm offer, subject to reply by September 23, 1951:

Quantity and Commodity:

400 Ctns. Luneta brand Sardines in Tomato Sauce 48/15-oz.  
·Ovals at ₱8.25 Ctn.

300 Ctns. Luneta brand Sardines Natural 48/15 oz. talls at \$6.25 Ctn.

300 Ctns. Luneta brand Sardines in Tomato Sauce 100/5-oz. talls at \$7.48 Ctn.

Price(s) :

All prices are C and F Manila Consular Fees of \$6.00 to be added.

Shipment:

During September/October from US Ports.

Supplier:

Atkins, Kroll & Co., San Francisco, Cal. U.S.A.

We are looking forward to receive *your valued order* and remain  
Very truly yours,

The court of first instance and the Court of Appeals<sup>1</sup> found that B. Cua Hian Tek accepted the offer unconditionally and delivered his letter of acceptance Exh. B on September 21, 1951. However, due to shortage of catch of sardines by the packers in California, Atkins, Kroll & Co., Inc., failed to deliver the commodities it had offered for sale. There are other details to which reference shall not be made, as they touch the question whether the acceptance had been handed on time; and on that issue the Court of Appeals definitely found for plaintiff.

Anyway, in presenting its case before this Court petitioner does not dispute such timely acceptance. It merely raises the point that the acceptance only created *an option*, which, lacking consideration, had no obligatory force.

The offer Exh. A, petitioner argues, "was a promise to sell a determinate thing for a price certain. Upon its acceptance by respondent, the offer became an accepted unilateral promise to sell a determinate thing for a price certain. Inasmuch as there was no consideration to support the promise to sell distinct from the price, it follows that under Art. 1479 aforequoted, the promise is not binding on the petitioner even if it was accepted by respondent." (p. 12 brief of petitioner.)

The argument, manifestly assumes that only a *unilateral* promise arose when the offeree accepted. Such assumption is a mistake, because a *bilateral* contract to sell and to buy was created upon acceptance. So much so that B. Cua Hian Tek could be sued, had he backed out after accepting, by refusing to get the sardines and/or to pay for their price. Indeed, the word "option" is found neither in the offer nor in the acceptance. On the contrary Exh. B accepted "the firm offer for *the sale*" and adds, "the undersigned buyer has immediately filed an application for import license \* \* \*." (Italics Ours.)

Petitioner, however, insists the offer was a mere offer of option, because the "firm offer" Exh. A was a continuing offer to sell until September 23, and "an option

<sup>1</sup> p. 6 brief of petitioner.

is nothing more than a continuing offer" for a specified time. In our opinion, an option implies more than that: it implies the legal *obligation* to keep the offer open for the time specified.<sup>2</sup> Yet the letter Exh. A did not by itself produce the legal *obligation* of keeping the offer open up to September 23. It could be withdrawn before acceptance, because it is admitted, there was no consideration for it.

"ART. 1324. When the offerer has allowed the offeree a certain period to accept, the offer may be withdrawn at any time before acceptance by communicating such withdrawal, except when the option is founded upon a consideration, as something paid or promised." (n) (New Civil Code.)

"Ordinarily an offer to buy or sell may be withdrawn or countermanded before acceptance, even though the offer provides that it will not be withdrawn or countermanded, or allows the offeree a certain time within which to accept it, unless such provision or agreement is supported by an independent consideration. \* \* \*." (77 Corpus Juris Secundum p. 636.)

Furthermore, an option is *unilateral*: a promise to sell<sup>3</sup> at the price fixed whenever the offeree should decide to exercise his option within the specified time. After accepting the promise and *before he exercises his option*, the holder of the option is not bound to buy. He is free either to buy or not to buy later. In this case, however, upon accepting herein petitioner's offer a bilateral promise to sell and to buy ensued, and the respondent *ipso facto assumed* the obligations of a purchaser. He did not just get the right subsequently to buy or not to buy. It was not a mere option then; it was a bilateral contract of sale.

Lastly, even supposing that Exh. A granted an option which is not binding for lack of consideration, the authorities hold that

"If the option is given without a consideration, it is a mere offer of a contract of sale, which is not binding until accepted. If, however, acceptance is made before a withdrawal, it constitutes a binding contract of sale, even though the option was not supported by a sufficient consideration. \* \* \*." (77 Corpus Juris Secundum p. 652. See also 27 Ruling Case Law 339 and cases cited.)

"It can be taken for granted, as contended by the defendants, that the option contract was not valid for lack of consideration. But it was, at least, an offer to sell, which was accepted by letter, and of this acceptance the offerer had knowledge before said offer was withdrawn. The concurrence of both acts—the offer and the acceptance—could at all events have generated a contract, if none there was before (arts. 1254 and 1262 of the Civil Code)." (Zayco vs. Serra 44 Phil. 331.)

One additional observation should be made before closing this opinion. The defense in the court of first ins-

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<sup>2</sup> Morasi vs. Burleigh 170 La. 270, 127 So. 624.

<sup>3</sup> Or to buy as the case may be.

tance rested on the proposition or propositions that the offer had not been accepted in due time, and/or that certain conditions precedent had not been fulfilled. This option-without-consideration idea was never mentioned in the answer. A change of theory in the appellate courts is not permitted.

"In order that a question may be raised on appeal, it is essential that it be within the issues made by the parties in their pleadings. Consequently, when a party deliberately adopts a certain theory, and the case is tried and decided upon that theory in the court below, he will not be permitted to change his theory on appeal because, to permit him to do so, would be unfair to the adverse party." (Rules of Court by Moran—1957 Ed. Vol. I p. 715 citing Agoncillo v. Javier, 38 Phil. 424; American Express Company v. Natividad, 46 Phil. 207; San Agustin v. Barrios, 68 Phil. 475, 480; Toribio vs. Dacasa, 55 Phil. 461.)

We must therefore hold, as the lower courts have held that there was a contract of sale between the parties. And as no legal excuse has been proven, the seller's failure to comply therewith gave ground to an award for damages, which has been fixed by the Court of Appeals at ₱3,240.15—amount which petitioner does not dispute in this final instance.

Consequently, the decision under review should be, and it is hereby affirmed, with costs against petitioner.

*Parás, C. J., Padilla, Montemayor, Reyes, A., Concepción, Reyes, J. B. L., Endencia, and Félix, JJ., concur.*

*Bautista Angelo, J., in the result.*

*Decision affirmed.*

[No. L-9625. 27 May 1957]

THE PEOPLE OF THE PHILIPPINES, plaintiff and appellee, vs.  
FRANCISCA CELIS, defendant and appellant

CRIMINAL LAW; SLANDER; CRIME CHARGED DETERMINES JURISDICTION OF COURT TO TRY, CONVICT AND SENTENCE A DEFENDANT.—What confers jurisdiction upon a court to try, convict and sentence a defendant is not the filing of a complaint or information but the crime charged therein. The facts pleaded in the complaint filed in this case charged the crime of slander as defined and punished in the first clause of article 358 of the Revised Penal Code. The Municipal Court did not have jurisdiction to try the appellant upon the complaint filed by the offended party. Its verdict and sentence are null and void for lack of jurisdiction. The appellant should have raised in the Court of First Instance the question of nullity of the verdict and sentence; but instead of doing so she entered a plea of not guilty when arraigned and went ahead without objection with the trial, and after the offended party had testified she offered to withdraw her plea of not guilty to enter one of guilty, upon which the sentence appealed from was rendered. The trial court entered upon and exercised its original jurisdiction when it tried and sentenced the appellant.

APPEAL from a judgment of the Court of First Instance of Manila. Alvendía, J.

The facts are stated in the opinion of the Court.

*De Mesa and Navasca* for defendant and appellant.

*Solicitor General Ambrosio Padilla* and *Solicitor Pacífico P. de Castro* for plaintiff and appellee.

PADILLA, J.:

Francisca Celis was charged with slander in the Municipal Court of Manila, in a complaint subscribed and sworn to on 7 July 1955 by Dominga B. Mutya and filed on 12 July 1955, committed as follows:

That on or about the 9th day of June, 1955, in the City of Manila, Philippines, the said accused did then and there willfully, unlawfully and feloniously and publicly utter and proffer slanderous words and expressions against the undersigned complainant such as "Puta ka ina-asawa ka ng asawa ko sa cuarto namin. Akala mo hindi na ako babalik kaya ikao pumatol sa asawa ko," and other expressions of similar import, thereby bringing the said undersigned into public contempt, disgrace, dishonor and ridicule. (Case No. D-45987.)

Upon arraignment, the defendant entered a plea of not guilty and after trial the court found her guilty of slander as provided for in article 358 of the Revised Penal Code and sentenced her to pay a fine of ₱100, with subsidiary imprisonment in case of insolvency, and the costs. The defendant appealed to the Court of First Instance where it was docketed as Case No. 32104. The defendant was arraigned under the same complaint filed in the Municipal Court and again she entered a plea of not guilty.

The offended party Dominga B. Mutya testified that on June 9, 1955 at about 2:00 o'clock in the afternoon while she was in her

room at the second floor of the house situated at 2531 R. Fernandez, Tecson, Tondo, Manila, she was called by her landlady Dionisia Tióngson who said that the accused was uttering bañ words against her. When she went down and asked why, the accused told her "Nagmamaangginaangan ka pa. Hindi ba ina-asawa ka ng asawa ko sa cuarto namin? Akala mo yata hindi na ako babalik kaya ka pumatol sa asawa ko." These words, translated into English, mean "You pretend to be innocent. Is it not true that my husband was having sexual intercourse with you in our bedroom? Probably, you thought that I would not come back, that is why you acceded to the desires of my husband." These words were uttered publicly and in a loud voice in the presence of Leticia Torres, Flordeliza Limjouco and Dionisia Tióngson, the landlady of the offended party. The offended party answered "Baka ikaw," meaning "May be you are the one." Whereupon, the accused grabbed the offended party by the hair. At this juncture, the husband of the accused arrived and separated the combatants. He brought the accused to their house which was just behind the residence of the offended party. In their house, the accused kept on uttering bad and insulting words against the offended party in the presence of their neighbors who gathered in front of the house listening to her.

At 4:00 o'clock that afternoon, the husband of the accused who owns a jeep for hire was driving the jeep. Upon passing in front of the residence of the offended party who was then in the dress shop on the first floor of the house where she was residing, the husband of the accused turn his face towards the dress shop. He was seen by the accused who immediately shouted the following words "Talagang hindi maaring hindi ka lumingon sa puta," which words, translated into English, mean "It is really impossible for you not to look at the prostitute." Following the uttering of those words, the accused went in front of the dress shop where the offended party was and said, referring to the offended party "Talagang makapal ang mukha ng babaeng iyan," which, translated into English, mean "That woman is really shameless." The offended party told her to come nearer if what she was saying was true. The accused answered "I will and why not? I really saw my husband having sexual intercourse with you in our room." These words were uttered in the presence of many persons.

After the accused (the complainant) was cross-examined, counsel for the accused, after conferring with her, manifested that it is the desire of the accused to withdraw her plea of not guilty and to substitute it with a plea of guilty and made a motion to that effect. The Court granted the motion and, upon re-arrainment, the accused pleaded guilty to the information. (Decision of the Court of First Instance.)

Whereupon the Court found the defendant guilty of serious oral defamation and sentenced her to 4 months and 1 day of *arresto mayor* and to pay the costs. The defendant has appealed, assigning the following errors claimed to have been committed by the trial court:

1. The trial court erred in finding the accused guilty of the offense of serious oral defamation instead of simple defamation penalized under Article 358 of the Revised Penal Code.
2. The Court erred in imposing on the defendant-appellant the penalty of four months and one day of *arresto mayor*.

The appellant contends that the complaint subscribed and sworn to by the offended party charged only slight or simple slander as provided for in the last clause of article

358 of the Revised Penal Code, because according to her it was filed in the Municipal Court where after trial she was found guilty and sentenced to pay a fine of ₱100, with subsidiary imprisonment, and costs; that on appeal the Court of First Instance could not find her guilty of a mere serious offense, because according to her if the complaint charged a more serious crime the Municipal Court did not have jurisdiction to try, convict and sentence her for such more serious offense; and that the Court of First Instance as an appellate court had jurisdiction only to dismiss the appeal and the complaint filed in the Municipal Court and not to try her upon such complaint.

What confers jurisdiction upon a court to try, convict and sentence a defendant is not the filing of a complaint or information but the crime charged therein. The facts pleaded in the complaint filed in this case charged the crime of slander as defined and punished in the first clause of article 358 of the Revised Penal Code. The Municipal Court did not have jurisdiction to try the appellant upon the complaint filed by the offended party. Its verdict and sentence are null and void for lack of jurisdiction. The appellant should have raised in the Court of First Instance the question of nullity of the verdict and sentence; but instead of doing so she entered a plea of not guilty when arraigned and went ahead without objection with the trial, and after the offended party had testified she offered to withdraw her plea of not guilty to enter one of guilty, upon which the sentence appealed from was rendered. The trial court entered upon and exercised its original jurisdiction when it tried and sentenced the appellant.

There being no modifying circumstances the penalty to be imposed is in its medium period, or 1 year and 1 day to 1 year and 8 months of *prisión correccional*; and pursuant to the Indeterminate Sentence Law, the minimum penalty is 1 month and 1 day of *arresto mayor* and the maximum, 1 year and 8 months of *prisión correccional*, and the accessories of the law.

Modified as to penalty only the sentence appealed from is affirmed, with costs against the appellant.

*Bengzon, Montemayor, Reyes, A., Bautista Angelo, Labrador, Concepción, Reyes, J. B. L., Endencia, and Félix, JJ., concur.*

*Judgment affirmed with modification.*

[No. L-9390. February 28, 1958]

ADELINA SEVERO, etc., petitioner, vs. HON. PANTALEÓN PELAYO, etc., JULIO LASIAN and REMEDIOS PINEDA, respondents.

1. WORKMEN'S COMPENSATION; COURTS; JURISDICTION; NOTIFICATION; ENFORCEMENT OF AWARD.—Section 51 of Act 3428, as amended, only provides that upon the filing of an application for the execution of a decision of any referee or commissioner together with a certified copy of the award, the Court shall render a decree or judgment in accordance therewith and notify the parties thereof. If the counsel for the judgment debtor is notified and received copy of the judgment, there is sufficient compliance with the law.
2. ID.; ID.; PARTIAL PAYMENT OF AWARD; COURT DETERMINES THE DEDUCTION.—In case of partial payment of the award, the deduction should be determined, not by the Workmen's Compensation Commission but by the Court of First Instance.

ORIGINAL ACTION in the Supreme Court. Certiorari with Preliminary Injunction.

The facts are stated in the opinion of the Court.

*Roque E. Evidente* for petitioner.

*Nicolás P. Nonato* for respondents Julio Lasian and Remedios Pineda.

ENDENCIA, J.:

On September 20, 1954, the herein respondents Julio Lasian and Remedios Pineda, as dependents of their son José C. Pineda who died while in the service of C. Ying Bakery, of which the petitioner Adelina Severo was the manager, were awarded "a compensation of ₱1,560.00, plus burial expenses not exceeding ₱100.00, less any amount already paid," by the Workmen's Compensation Commission in case No. 18982 thereof. The award was not appealed and became final and executory. C. Ying, owner of the bakery, or its manager Adelina Severo, failed to pay the award except the amount of ₱500.00 and the fee of ₱16.00, thus leaving unpaid the sum of ₱1,060.00 plus the burial expenses, so on June 27, 1955, respondents Lasian and Pineda filed with the Court of First Instance of Iloilo, under Section 5 of the Workmen's Compensation Act, a petition wherein they prayed for an order of execution of the aforesaid award; and said court, acting on the petition, entered on July 2, 1955, the following order:

"It appearing from the certification of the Workmen's Compensation Commission (Appendix B) that the above-named respondent has not appealed within the period allowed by Act No. 3428 as amended, to the Supreme Court, against the decision of the said Commissioner as contained in his letter-computation dated September 20, 1953 (Appendix A), judgment is hereby entered ordering the said respondent to pay claimants the amount of ₱1,560.00 plus burial expenses not exceeding ₱100.00, less any amount already

paid, pursuant to Section 51 of Act No. 2429, as amended, otherwise known as the Workmen's Compensation Act."

and forthwith issued the writ of execution prayed for.

Upon being notified of this order and the writ of execution, petitioner filed on July 5, 1955 a *motion* "for reconsideration and to quash the writ of execution" alleging: "that the Court of First Instance of Iloilo has no jurisdiction to enter the order and to issue the writ complained of; that there is no exact amount to be executed and, therefore, the order cannot be enforced thru execution; that contrary to the provision of Section 51 of Act 3428 to the effect that the court shall render a decree or judgment in accordance therewith and notify the parties thereof, the herein petitioner was never notified of said judgment," and asked that the aforequoted order and writ of execution be annulled. This motion was denied by the respondent, Judge, hence the present petition for certiorari filed on *July 11, 1955*, premised on the ground that the respondent Judge acted without or in excess of jurisdiction, or with grave abuse of discretion in issuing the aforesaid order and writ of execution of July 2, 1955, and in denying petitioner's motion for reconsideration of July 5, 1955.

On July 12, 1955 and before the herein respondents Lasian and Pineda were properly summoned of the present petition, they filed with the Court of First Instance of Iloilo a motion wherein they alleged that (a) according to the return of the Sheriff, C. Ying offered ₱875.00 to pay the execution against him, but refused to pay the balance of ₱285.00 alleging to have already paid it; (b) that said Sheriff, instead of receiving the offer and attaching the properties of the herein petitioner for the unpaid balance of ₱285.00, in connivance with the latter's lawyer, maliciously and voluntarily discontinued the execution on the pretext that he was not in a position to determine the amount already paid; and (c) that said conduct of the Sheriff constituted a misbehavior in court; and thereby they asked (1) that the herein petitioner (respondent therein) and his lawyer be ordered to deposit with the Clerk of Court the amount offered; (2) that the Sheriff be ordered to continue the execution for the remaining unpaid amount of ₱285.00 until the herein petitioner can prove that he has paid it; and (3) that both the herein petitioner and his lawyer be ordered to appear before the Court to explain why they were systematically obstructing the administration of justice. This motion was opposed by the herein petitioner; it was heard on July 15, 1955 and, on that same date, the respondent Judge, modifying his previous order of July 2, 1955, entered the following order:

"Considering that claimants have, thru their counsel Atty. Nicolás P. Nonato, admitted having already received the amount of ₱500.00, the dispositive part of the order of the Court dated July 2, 1955 is hereby amended so as to read as follows:

'Judgment is hereby entered ordering respondent to pay claimants the sum of ₱1,060.00 plus ₱100.00 as burial expenses pursuant to Sec. 51 of Act 3428, as amended, otherwise known as the Workmen's Compensation Act."

Alleging that this order was against the law and the facts of the case, petitioner herein tried to appeal therefrom and to that end he filed a notice of appeal on July 16, 1955, but took no further steps to perfect it; so, on July 18, 1955, the herein respondents Lasian and Pineda moved that the notice of appeal be disregarded or rejected, that a more drastic measure be adopted to compel the officer of law to expedite the enforcement of the award, and that the case be endorsed to the City Fiscal for proper action. Petitioner opposed this motion and moved the court to overrule it and that the writ of execution already issued be stayed to wait for the result of the present petition, which motion was denied on July 21, 1955, on the ground that there was a writ of execution already issued.

Carefully considered, the issue involved in the case revolves around the proposition whether the lower court had no jurisdiction or abused its discretion in entering its orders of July 2 and 15, 1955, directing the petitioner to pay the sum of ₱1,060.00 plus ₱100.00 as burial expenses. These orders were evidently issued by the respondent Judge under section 51 of Act No. 3428, as amended, which provides :

"SEC. 51. *Enforcement of Award.*—Any party in interest may file in any court of record in the jurisdiction of which the accident occurred a certified copy of a decision of any referee or the Commissioner, from which no petition for review or appeal has been taken within the time allowed therefor, as the case may be, or a certified copy of a memorandum of agreement duly approved by the Commissioner, whereupon the Court shall render a decree or judgment in accordance therewith and notify the parties thereof.

"The decree or judgment shall have the same effect, and all proceedings in relation thereto shall thereafter be the same as though the decree or judgment had been rendered in a suit duly heard and tried by the Court, except that there shall be no appeal therefrom."

Petitioner claims that, without notice to him, the respondents' ex-parte motion of June 27, 1955 was heard and acted upon by the lower court and, therefore, the order of July 2, 1955 granting it, was illegal and unenforceable against him. This contention is, however, untenable for, according to the aforequoted Sec. 51, of Act No. 3428, as amended, the herein petitioner is only entitled

to be notified of the judgment entered in accordance therewith; it does not require that before the hearing of a petition filed pursuant thereto, there should be a notification to the other party; it only provides that upon the filing of an application for execution of a decision of any referee or Commissioner together with a certified copy of the award, the Court *shall render a decree or judgment in accordance therewith and notify the parties thereof.* In the case at bar, Annex C of the petition clearly shows that counsel for herein petitioner was notified and received copy of the disputed order of July 2, 1955 as well as copy of that of July 15, 1955, such that thereafter he filed a notice of appeal from said orders. There was, therefore, compliance with the law as to the notification of judgment entered by the court below, hence it cannot be pretended that it acted illegally or without jurisdiction when it entered the disputed order.

Petitioner also contends that the award of September 20, 1950 was not yet executory when the writ of execution was issued, because in that award the petitioner was ordered to pay the amount of ₱1,560.00 plus burial expenses not exceeding ₱100.00, *less any amount already paid*, and therefore, if there has been partial payment, the lower court cannot issue the writ of execution before the partial payment is deducted from the amount to be executed, which deduction should be decided, not by the lower court, but by the Commissioner. We find this contention also untenable because, in case of partial payment, the deduction should be determined, not by the Workmen's Compensation Commissioner, but by the Court of First Instance at the hearing of the motion for execution. In the case at bar, the question of what should be deducted from the award of September 20, 1950, was brought up before the lower court when the motion of the herein respondents of July 12, 1955 was duly heard on July 15, 1955 and which caused the respondent Judge to modify his order of July 2, 1955, requiring the petitioner herein to pay, not ₱1,560.00 as previously ordered, but ₱1,060.00 only plus ₱100.00 as burial expenses. Petitioner tried to appeal from the order but later on desisted, so the same became final and executory and could be enforced legally against the petitioner.

Lastly, it is contended that the lower court exceeded its jurisdiction when it entered the order of July 15, 1955, because the same changed, altered and modified the decision of the Workmen's Compensation Commission. This contention merits no serious consideration, for the order in question did not change the nature of the award; it only reduced the amount that should be executed because of partial payment admitted by the respondents, other-

wise injustice may be committed against the herein petitioner.

IN VIEW OF ALL THE FOREGOING, the petition under consideration is hereby denied without costs.

*Parás, C. J., Bengzon, Padilla, Montemayor, Reyes, A., Bautista Angelo, Labrador, Concepción, Reyes, J. B. L., and Félix, JJ.*, concur.

*Petition denied.*

[No. L-11271. May 28, 1958]

PAZ TY SIN TEI, petitioner and appellee, *vs.* JOSE LEE DY  
PIAO, respondent and appellant

1. REGISTRATION OF TITLES TO LANDS; ADVERSE CLAIM; ANNOTATION OF ADVERSE CLAIM, PURPOSE OF.—The annotation of an adverse claim is a measure designed to protect the interest of a person over a piece of real property where the registration of such interest or right is not otherwise provided for by the Land Registration Act, and serves as a notice and warning to third parties dealing with said property that someone is claiming an interest on the same or a better right than the registered owner thereof.
2. ID.; ID.; PROCEDURE FOR REGISTRATION OF ADVERSE CLAIM.—Section 110 of Act 496 lays down the procedure for the registration of notice of adverse claim—By filing a sworn statement with the Register of Deeds of the province where the property is located setting forth the basis of the claimed right together with other data pertinent thereto.
3. ID.; ID.; VALIDITY MAY ONLY BE DETERMINED BY COURT.—The validity or efficaciousness of the claim, however, may only be determined by the court *upon petition by an interested party*, in which event, the Court shall order the immediate hearing thereof and make the proper adjudication as justice and equity may warrant. And it is ONLY when such claim is found unmeritorious that the registration thereof may be cancelled.
4. ID.; NOTICE OF "LIS PENDENS" MAY BE CANCELLED UNDER CERTAIN CIRCUMSTANCES; REGISTERED ADVERSE CLAIM MAY BE CANCELLED ONLY IF ADJUDGED INVALID.—While notice of *lis pendens* remains during the pendency of the action although same may be cancelled under certain circumstances as where the case is prolonged unnecessarily or for failure of the plaintiff to introduce evidence bearing out the allegations of the complaint (*Victoriano vs. Rovira*, 55 Phil. 1000; Municipal Council of Parañaque *vs.* Court of First Instance of Rizal, 40 Off. Gaz., 8th Supp. 196); and it has even been held that a court, in the absence of a statute, has the inherent power to cancel a *lis pendens* notice in a proper case (*Victoriano vs. Rovira, supra*) the same is not true in a registered adverse claim, for it may be cancelled only in one instance, i.e., after the claim is adjudged invalid or unmeritorious by the Court, acting either as a Land registration court or one of general jurisdiction while passing upon a case before it where the subject of the litigation is the same interest or right which is being secured by the adverse claim.
5. ID.; REGISTERED ADVERSE CLAIM; INSTITUTION OF AN ORDINARY ACTION, EFFECT OF.—It would not only be unreasonable but also oppressive to hold that the subsequent institution of an ordinary civil action would work to divest the adverse claim of its validity, for a notice of *lis pendens* may be cancelled even before the action is finally terminated for causes which may not be attributable to the claimant. And it would similarly be beyond reason to confine a claimant to the remedy afforded by section 110 of Act 496 if there are other recourses in law which such claimant may avail of. But if any of the registrations should be considered unnecessary or superfluous, it would be the notice of *lis pendens* and not the annotation of the adverse claim which is more permanent and cannot be cancelled without adequate hearing and proper disposition of the claim.

APPEAL from an order of the Court of First Instance of Manila. San José, J.

The facts are stated in the opinion of the Court.

*Ignacio Lugtu* and *Romulo Lugtu* for respondent and appellant.

*Gianzon, Uy & Calma* for petitioner and appellee.

FÉLIX, J.:

*Antecedents.*—Dy Lac, a Chinese national, was long before the effectivity of the Philippine Constitution, the absolute and registered owner of certain real properties in Manila. After the death of his wife in China in 1907, by whom he had a son, Dy Lac contracted a second marriage with Ong Tiem *alias* Uy Cho, also a Chinese, whom he brought into the Philippines in 1920 together with the latter's maid-servant Gue Kuy *alias* Paz Ty Sin Tei.

On June 23, 1938, Dy Lac executed a document donating to Paz Ty Sin Tei two parcels of land together with all the improvements thereon, located at Ronquillo street and Rizal Avenue known as Lots 8 and 22, Block 2127 of the Cadastral Survey of Manila, with a combined area of 655.70 square meters and covered by Transfer Certificates of Title Nos. 50071 and 50074 registered in the name of Dy Lac, married to Uy Cho. By reason of said deed, the aforementioned certificates of title were cancelled and T. C. T. Nos. 53825 and 53826 were issued by the Register of Deeds of Manila in the name of Paz Ty Sin Tei, single, Chinese. Simultaneously and on the same day, Dy Lac executed another deed of donation, this time in favor of Tomás Dy Suan Choan, Paz Ty Sin Tei's minor illegitimate son, giving him another parcel of land located at Magallanes and Anda streets, Intramuros, Manila, covered by T. C. T. No. 50072, in the name of Dy Lac, married to Uy Cho, and in virtue of said disposition, T. C. T. No. 50072 was cancelled and another title (T. C. T. No. 53925) was issued in the name of the minor Tomás Dy Suan Choan. However, barely 2 months thereafter, said minor died and the property thus passed to and was inherited by his mother, who secured a corresponding certificate of title over the same parcel of land in her favor (T. C. T. No. 56580). At the time when the donations were made, Dy Lac was said to be the owner of the following properties, to wit:

- |   |            |
|---|------------|
| 1. Two parcels of land located at Ronquillo St. and Rizal Avenue, Manila, covered by T. C. T. Nos. 50071 and 50074 (donated to Paz Ty Sin Tei on June 23, 1938) ..... | P44,839.00 |
| 2. A parcel of land located at Anda and Magallanes Sts., Intramuros, Manila, covered by T. C. T. No. 50072 (donated to Tomás Dy Suan Choan on June 23, 1938) .....    | 22,356.00  |

3. Shares of stock in the Mariano Uy Chaco Sons & Co., Inc. (par value) .....	10,000.00
4. Cash .....	28,000.00
P105,195.00	

The aforementioned cash of P28,000.00 was said to have been utilized in purchasing from the Monte de Piedad and Savings Bank in April, 1940, houses and lot located at Zurbaran St., Manila, and Dy Lac caused the title thereof (T. C. T. No. 58652) to be placed in the name of Paz Ty Sin Tei. As his second marriage was not blessed with any issue, upon Dy Lac's death on *May 14, 1948*, he was survived by his second wife Uy Cho and his son by the first marriage, José Lee Dy Piao. In his will, however, he named Paz Ty Sin Tei as executrix thereof; thus, the latter instituted Special Proceedings No. 5541 with the Court of First Instance of Manila for the probate of the same. Pending her qualification as such executrix, the Court appointed the Equitable Banking Corporation as special administrator of the testate estate of Dy Lac. Upon entering its appointment, the Equitable Banking Corporation filed Civil Case No. 14697 of the Court of First Instance of Manila, seeking to annul the donations consisting of real and personal properties made by the deceased to Paz Ty Sin Tei on the ground that the latter was an alien disqualified to acquire lands in the Philippines and otherwise had no right to possess said properties. In the same proceedings José Lee Dy Piao, together with the widow Uy Cho, tried to intervene and pursuant to the provisions of Section 110 of the Land Registration Act on August 22, 1951, they caused as heirs of Dy Lac the annotation at the back of T. C. T. No. 58652, an adverse claim for the protection of their alleged rights, *pending the determination thereof in Special Proceedings No. 5541*.

On October 20, 1951, the Court dismissed the main complaint on the ground that as only the State could judicially inquire into the validity of a conveyance of agricultural lands in the Philippines, neither the donor himself where he alive nor the special administrator could seek annulment of the donations or question the validity of the donee's title thereto. The Court, however, did not make any pronouncement as to the intervenor's right or interest in the properties in question because the main case having been dismissed, there remained no litigation wherein their cause could be entertained. Thus, passing upon their second motion for reconsideration, the Court clarified the dismissal of the complaint in intervention to be without prejudice to the intervenor's right to secure relief in an independent action.

On *March 21, 1955*, José Lee Dy Piao instituted a civil action with the Court of First Instance of Manila for the

revocation of donations and/or reconveyance (Civil Case No. 25736) alleging, among other things, that through influence exerted on Dy Lac by Paz Ty Sin Tei, with whom the former had extramarital relations, said Dy Lac donated to the latter and her son the parcels of land covered by T. C. T. Nos. 53825, 53826 and 56580; purchased the houses and lot covered by T. C. T. No. 58652 and placed the title thereof in the name of said Paz Ty Sin Tei, *married to Dy Lac*, although in fact defendant was not married to his father, and upon the death of Dy Lac in 1948, she caused the amendment of T. C. T. No. 58652 to read as "Ty Sin Tei, widow of Nazario Dee Dy Lac"; that in 1938 when the donations intervivos were made, Dy Lac's assets amounted to ₱95,195.00 (must be ₱105,195.00); that pursuant to the law then enforced, he could only freely dispose of one-third of the same or ₱31,731.66 (correctly ₱35,065.00) and as the donations given to defendant and her son far exceeded said amount, they were illegal and inofficious and thus invalid; that as upon the death of Tomás Dy Suan Choan, the property donated to him passed by right of succession gratuitously to his mother, Paz Ty Sin Tei, the latter was bound to preserve the same for the benefit of the heirs in the direct line from whence it came or allegedly in favor of the plaintiff and the widow Uy Cho; that defendant, however, conveyed and sold the said property to Magnolia V. Antonio for the sum of ₱24,000.00, by reason of which, T. C. T. No. 56580 (in the name of Paz Ty Sin Tei) was cancelled and T. C. T. No. 33578 was issued to the purchaser. Plaintiff therefore prayed the Court for the delivery and/or reconveyance to him as heir of Dy Lac or to the decedent's estate the properties covered by T. C. T. Nos. 53825, 53826 and 58652; that plaintiff be ordered to bring into the estate the amount of ₱28,000.00, the proceeds of the sale of T. C. T. No. 56580 in the event said property could not be recovered from the purchaser Magnolia V. Antonio; to render an accounting of the fruits of the above-mentioned properties; and for costs. Plaintiff on the same day (March 21, 1955) caused the annotation of a notice of *lis pendens* at the back of T. C. T. No. 58652. Said civil case No. 25736 appeared to have been dismissed for failure to prosecute, but plaintiff immediately instituted another action (Civil Case No. 28727) which, at the time of the filing of the instant case was still pending determination in the lower court. A notice of *lis pendens* was likewise correspondingly annotated at the back of the same T. C. T. No. 58652.

*The Case.*—On March 23, 1955, Paz Ty Sin Tei filed a petition (GLRO Rec. No. 11546) for the cancellation of the adverse claim appearing on T. C. T. No. 58652 on the ground that Civil Case No. 14697 of the Court of First Instance of Manila, wherein the adverse claimant José

Lee Dy Piao was an intervenor, had already been dismissed by order of the Court of October 20, 1951, which order had become final on December 24, 1951; that said claimant having failed to institute any action or proceeding relative to said Civil Case No. 14697, is already barred from filing any action in connection with that property; that as petitioner's right to dispose of said property, being the registered owner thereof, was being withheld by the existence of the aforementioned adverse claim, it was prayed the Court that the Register of Deeds of Manila be ordered to cancel the same.

This petition was opposed by the adverse-claimant contending that while it was true that Civil Case No. 14697, wherein he tried to intervene was dismissed, said order of dismissal did not operate to deprive him of his right to annotate claim against the property in question being the legitimate son of the deceased Dy Lac; that the doctrine of *res judicata* was not applicable to him because he had never become a party to that case; that in view of the pendency of Sp. Proc. No. 5541 and Civil Case No. 25736 wherein petitioner's right over the property was being questioned, there is no reason for the cancellation of the adverse claim which was designed to protect the rights of the claimant until said cases were finally disposed of. To this opposition, petitioner filed a reply asserting that at the instance of the claimant, as plaintiff in Civil Case No. 25736 of the Court of First Instance of Manila, a notice of *lis pendens* was already annotated at the back of T. C. T. No. 58652, and as the object of the aforesaid case referred to the claim of the adverse claimant, the latter had in his favor 2 annotations, i.e., the adverse claim and the notice of *lis pendens*. Petitioner further argued that as either of the two protects the claim of José Lee Dy Piao, at least one must be ordered cancelled for he could not avail of the two remedies at the same time, for if both were allowed to stand, they would overburden the title in question.

On June 25, 1955, the lower Court issued an order holding that an adverse claim could not be made to stand for an indefinite time and where the Land Registration Act affords no relief for the protection of his right or interest, the adverse claimant should institute the proper action within a reasonable period and cause the annotation of a notice of *lis pendens*, in which case the adverse claim would lose its validity. And as oppositor José Lee Dy Piao had already instituted Civil Case No. 25736, and had caused the annotation of a notice of *lis pendens* on the same title, the Court ordered the Register of Deeds of Manila to cancel the notation of adverse claim at the back of T. C. T. No. 58652, upon the payment by petitioner of proper fees. From this order, oppositor José Lee Dy Piao appealed to

the Court of Appeals, but said Tribunal elevated the case to us for proper disposition on the ground that the issues raised are purely of law.

*The issue.*—As may be gathered from the above narration of facts, the only issue presented by this appeal is whether the institution of an action and the corresponding annotation of a notice of *lis pendens* at the back of a certificate of title invalidates a prior notation of an adverse claim appearing on the same title, where the aforementioned action and the adverse claim refer to the same right or interest sought to be recovered. In other words, whether the annotation of a notice of *lis pendens* invalidates an adverse claim previously annotated in the same title where both notices refer to and are designed to protect the same interest, or whether a notice of *lis pendens* would be unnecessary and superfluous where an adverse claim has previously been annotated.

*Discussion of the controversy.*—There is no question that Transfer Certificate of Title No. 58652 is registered in the name of Paz Ty Sin Tei. Appellant, however, asserts that the property covered by said certificate of title was actually purchased by Dy Lac with his own money, and that through the machinations and undue influence exerted by appellee, title thereto was placed in the latter's name to the prejudice of the decedent's heirs. There is likewise no dispute as to the fact that appellant caused the annotation of an adverse claim on said property on August 22, 1951, and that without said notation having been cancelled, a notice of *lis pendens* was also inscribed on the same title on March 21, 1955, upon the institution by said claimant of a civil action based on the same ground as his adverse claim. Hence, appellee protested against the existence of 2 notices in her title and sought the cancellation of the adverse claim on the allegation that one invalidates the other. We find this contention to be untenable. The registration of an adverse claim is allowed by Section 110 of Act 496, which reads as follows:

SEC. 110. Whoever claims any part or interest in registered land adverse to the registered owner, *arising subsequent to the date of the original registration*, may, if no other provision is made in this Act for registering the same, make a statement in writing setting forth fully his alleged right or interest, and how or under whom acquired, and a reference to the volume and page of the certificate of title of the registered owner, and a description of the land in which the right or interest is claimed.

The statement shall be signed and sworn to, and shall state the adverse claimant's residence, and designate a place at which all notices may be served upon him. This statement *shall* be entitled to registration as an adverse claim, and the court, *upon a petition of any party in interest*, shall grant a speedy hearing upon the question of the validity of such adverse claim and shall enter such decree therein as justice and equity may require. *If the claim is adjudged to be invalid, the registration shall be cancelled.* If in any

case the court after notice and hearing shall find that a claim thus registered was frivolous or vexatious, it may tax the adverse claimant double or treble costs in its discretion.

The annotation of an adverse claim is a measure designed to protect the interest of a person over a piece of real property where the registration of such interest or right is not otherwise provided for by the Land Registration Act, and serves as a notice and warning to third parties dealing with said property that someone is claiming an interest on the same or a better right than the registered owner thereof. The aforequoted Section 110 lays down the procedure for the registration of such notice—by filing a sworn statement with the Register of Deeds of the province where the property is located, setting forth the basis of the claimed right together with other data pertinent thereto. The validity or efficaciousness of the claim, however, may only be determined by the Court *upon petition by an interested party*, in which event, the Court shall order the immediate hearing thereof and make the proper adjudication as justice and equity may warrant. *And it is ONLY when such claim is found unmeritorious that the registration thereof may be cancelled.* In the case at bar, no such petition was filed by appellee who should be the party interested in having the notation cancelled. Instead, We find that from August 22, 1951, when the adverse claim was registered, to March 21, 1955, when the notice of *lis pendens* was annotated, petitioner-appellee took no step in having the claim inquired into or investigated in order that the question of the validity of such claim may be resolved. In this connection, we note that in the sworn declaration made by José Lee Dy Piao stating his claim over the property in question, the following paragraph is incorporated:

“That this claim is being filed with the Office of the Register of Deeds of Manila under the provisions of section 110 of the Land Registration Act (No. 496) for the protection of the rights of the herein claimant to the above-mentioned properties, *pending the final determination thereof by the Court of Special Proceedings No. 5541.*”

Apparently, petitioner-appellee had been agreeable thereto which furnishes the reason why she acquiesced to the existence of the aforementioned annotation for such period of time. This fact, however, cannot alter the situation, for the wording of the law, apart from being explicit is couched in clear mandatory language and thus has to be construed as it appears on the statute. On this score alone, the action taken by the lower Court in ordering the cancellation of the adverse claim before its validity could be passed upon, is not sanctioned by law.

But We have to give certain consideration to the implication created by the lower court's ruling that the insti-

tution of a court action for the purpose of securing or preserving the right which is also the object of an adverse claim invalidates the latter, irrespective of whether a notice of *lis pendens* has been annotated or not, for such a doctrine gives the impression that the 2 remedies are contradictory or repugnant to one another, the existence of one automatically nullifying the other. We are inclined to believe otherwise, for while both registrations have their own characteristics and requisites, it cannot be denied that they are both intended to protect the interest of a claimant by posing as notices and caution to those dealing with the property that same is subject to a claim. But while a notice of *lis pendens* remains during the pendency of the action, although same may be cancelled under certain circumstances as where the case is prolonged unnecessarily or for failure of the plaintiff to introduce evidence bearing out the allegations of the complaint (*Victoriano vs. Rovira*, 55 Phil. 1000; Municipal Council of Parañaque *vs.* Court of First Instance of Rizal, 40 Off. Gaz. 8th Supp. 196); and it has even been held that a court, in the absence of a statute, has the inherent power to cancel a *lis pendens* notice in a proper case (*Victoriano vs. Rovira, supra*), the same is not true in a registered adverse claim, for it may be cancelled only in one instance, i.e., after the claim is adjudged invalid or unmeritorious by the Court, acting either as a land registration court or one of general jurisdiction while passing upon a case before it where the subject of the litigation is the same interest or right which is being secured by the adverse claim. The possibility therefore, that parties claiming an interest in a registered property desire, for any other purpose, to have their cause ventilated in a court of general jurisdiction, may result in giving them two ways of making the registration of their claimed rights. In such instances, it would not only be unreasonable but also oppressive to hold that the subsequent institution of an ordinary civil action would work to divest the adverse claim of its validity, for as we have pointed out, a notice of *lis pendens* may be cancelled even before the action is finally terminated for causes which may not be attributable to the claimant. And it would similarly be beyond reason to confine a claimant to the remedy afforded by section 110 of Act 496 if there are other recourses in law which such claimant may avail of. But, if any of the registrations should be considered unnecessary or superfluous, it would be the notice of *lis pendens* and not the annotation of the adverse claim which is more permanent and cannot be cancelled without adequate hearing and proper disposition of the claim.

WHEREFORE, and on the strength of the foregoing considerations, the order appealed from directing the Register of Deeds of Manila to cancel the annotation of adverse claim at the back of Transfer Certificate of Title No. 58652, is hereby set aside and appellee's petition for cancellation dismissed, with costs against petitioner-appellee.

IT IS SO ORDERED.

*Parás, C. J., Bengzon, Montemayor, Reyes, A., Bautista Angelo, Labrador, Concepción, Reyes, J. B. L., and Endencia, JJ., concur.*

*Order set aside; petition dismissed.*

## DECISIONS OF THE COURT OF APPEALS

[No. 19737-R. June 18, 1958]

ALEJA BASIA, ET AL., plaintiffs and appellees, *vs.* CECILIO ESPADA, ET AL., defendants; ROSARIO ESPADA, respondent and appellant.

1. CONTEMPT; NATURE.—Contempt, in a nutshell, "is a wilful disregard or disobedience." II Moran, Comments on the Rules of Court, 1957 Ed., p. 127, citing: *People vs. Rivera*, G. R. No. L-3646, May 26, 1952; *Narcida vs. Bowen*, 22 Phil., 365. It has been said that "courts should be slow in jailing people" for contempt. A clear case must be established before tribunals should summon that power to their aid. For, such power is "drastic and extraordinary in its nature" and "should not be resorted to unless necessary in the interest of justice." II Moran, *idem*, p. 129, citing: *Gamboa vs. Teodoro, et al.*, G. R. No. L-4893, May 13, 1952.
2. ID.; ENTERING PROPERTY UNDER RECEIVERSHIP AND PREVENTING WORK THEREIN, WHEN PUNISHABLE AS CONTEMPT.—If there is no evidence that the respondent in a contempt proceeding had knowledge of the appointment of a receiver and of the fact that the latter has qualified and taken possession of the property as such, said respondent cannot be held guilty of contempt for having entered the property and prevented the receiver's employees from working the same. *Cu Unjieng & Hijos vs. Mitchell*, 58 Phil., 476, 481.

APPEAL from an order of the Court of First Instance of Iloilo. Reyes, *J.*

The facts are stated in the opinion of the court.

*Benjamin A. Defensor* for respondent and appellant.

*Casiano P. Laquihon* for plaintiffs and appellees.

SANCHEZ, *J.:*

On motion of receiver Jeremias Oncio, dated May 11, 1955, for contempt, filed before the Court of First Instance of Iloilo in Civil Case No. 448 of said court entitled, "Aleja Basia, et al., plaintiffs *versus* Cecilio Espada, et al., defendants." In question in said case was the possession of Lot No. 2787 of the Janiuay Cadastre.

On October 30, 1954, Jeremias Oncio was appointed receiver of the above property and immediately thereafter qualified and entered into the performance of his duties as such. The motion for contempt of court avers that on May 4, 1955 and again on May 9, 1955, Rosario Espada and Mauricio Abordo, armed with dangerous weapons, entered the land in question and prevented the workers of the receiver from plowing said land. It is charged that this act constitutes contempt of court upon the provisions of Section 3(c), Rule 64 of the Rules of Court.

On December 3, 1955, after due hearing, the trial court issued an order finding Rosario Espada and Mauricio Abordo guilty of contempt of court and sentenced each of them to a prison term of two months.

Rosario (Abordo de) Espada appealed to this Court.

Following are the facts brought about at the hearing of the foregoing incident for contempt:

At about 7:00 o'clock, a.m., on May 4, 1954, Privates-First-Class David Legarde and Federico Escara, Philippine Constabulary, together with Melecio Aboltivo and Agustin Vasquez, went to the land in question. The first two were sent there by their commanding officer at the behest of the receiver "to watch that property." The last two were laborers of the receiver. Aboltivo and Vasquez started plowing the land. About one-half hour afterwards, Rosario Espada and Mauricio Abordo, armed with bolos, appeared in the land. Upon their arrival, these two respondents told the Constabulary soldiers that if it were not for the presence of the latter, "we (they) will let their heads fly". Saying this, Rosario Espada and Mauricio Abordo left.

On May 9, 1954, the two constabulary soldiers and the two laborers of the receiver aforesaid returned to the lot in dispute. The four saw the two respondents (in the contempt proceeding) in the land. Mauricio Abordo was plowing the land. David Legarde asked Mauricio why he was doing so. The latter answered that he was there upon orders of Atty. Simeon Barranco. It appears that Atty. Simeon Barranco was counsel for plaintiff Aleja Basia, et al. in the civil case aforesaid and in other cases and claims one-half share of the disputed land as his attorney's fees; for, after all, plaintiffs have already won the dispute covering the said land (Lot 2787 of the Janiuay Cadastre) by virtue of a final judgment in the case heretofore mentioned.

Before we go into the merits of this case, we observe that as far as the record now before us is concerned, the only appellant is Rosario (Abordo de) Espada. See Record on Appeal, p. 10. Attorney Benjamin A. Defensor, however, filed a brief not only for Rosario Espada but also for Mauricio Abordo, as respondents-appellants. Upon the other hand, Attorney Casiano P. Laquihon filed a brief for Aleja Basia, as appellee. There seems to be confusion here. To set the record straight, we will treat the brief filed by Attorney Defensor merely as one on behalf of the only appellant of record, Rosario Espada. And, considering the fact that the movant in the contempt proceeding was the receiver, following liberal interpretation, the brief of Attorney Laquihon will be considered as one filed for said receiver. For, in the final

analysis, the last-named brief is simply in answer to the arguments advanced in the brief of appellant.

And now, we come to the merits. We start with a statement of the legal precept that contempt, in a nutshell, "is a wilful disregard or disobedience." II Moran, Comments on the Rules of Court, 1957 ed., p. 127, citing: *People vs. Rivera*, G. R. No. L-3646, May 26, 1952; *Narcida vs. Bowen*, 22 Phil., 365. It has been said that "courts should be slow in jailing people" for contempt. A clear case must be established before tribunals should summon that power to their aid. For, such power is "drastic and extraordinary in its nature" and "should not be resorted to unless necessary in the interest of justice." II Moran, *idem*, p. 129, citing: *Gamboa vs. Teodoro, et al.*, G. R. No. L-4893, May 13, 1952.

With the foregoing as our guidepost, let us examine the evidence of record. Nothing in the evidence will show that appellant knew that a receiver had been appointed for the land in question. Neither does the record disclose that the movant as such receiver has ever apprised appellant that as far as the property is concerned, he had the sole and exclusive power, as representative of the court, to control the same. In *Cu Unjieng e Hijos vs. Mitchell*, 58 Phil., 476, 481, it was held that "any person who without leave intentionally interferes with the possession of the assignee of the court is guilty of contempt. The accent is on the word "intentionally." It would seem clear that interference to be punishable must be deliberately done. It goes without saying that if there is no evidence, as is the case here, that the respondent in a contempt proceeding has knowledge of the appointment of a receiver and of the fact that the latter has qualified and taken possession of the property as such, said respondent cannot be held guilty of contempt for having entered the property and prevented the receiver's employees from working the same.

We go deeper into the facts. In so far as the incident of May 4, 1955 is concerned, all that the evidence shows is that the two defendants in the contempt proceeding, armed with bolos, went to the land and told the constabulary men that, if it were not for the latter's presence, "we (they) will let their hands fly", and then left the premises. They did nothing else. They did not stop the work of the two laborers of the receiver. In our opinion, these facts hardly could be considered as intentional interference with the receiver's possession.

The second act charged occurred on May 9, 1955. The two defendants in the contempt proceeding were on the land when the constabularymen and the assignee's laborers arrived. All that the latter saw was that Mauricio Abordo

was plowing the land. Constabularyman Legarde asked him why he did so. The answer was that he was ordered by Attorney Barranco. On the face of that answer, the constabularymen did nothing. There is no scientilla of evidence as to any act done by appellant Rosario Espada at that time. This appellant did not as much as cross words with either the soldiers or the receiver's laborers. As far as this appellant is concerned, therefore, there was no interference at all.

In the light of all the foregoing, we hold that the paucity of the evidence will not justify the conviction of Rosario Espada for contempt of court.

WHEREFORE, the order appealed from in so far as appellant Rosario Espada is concerned is hereby reversed and the contempt charge against her is hereby dismissed.

No costs.

IT IS SO ORDERED.

*Natividad and Angeles, JJ., concur.*

*Order of contempt reversed.*

[No. 19898-R. June 18, 1958]

ROSALINA OPINA, assisted by her husband, INOCENCIO NANTIN, plaintiffs and appellees, *vs.* VERONICA ACOSTA, ET AL., defendants and appellants.

LAND REGISTRATION; REGISTRATION THROUGH BREACH OF TRUST; RECONVEYANCE.—While a final decree cannot be reopened except within one year from its issuance, the registered owner may be compelled through a suit in equity to make a reconveyance upon a showing that he succeeded in securing registration by committing a breach of trust (*Severino vs. Severino*, 54 Phil., 343; *Castro vs. Castro*, 57 Phil., 675), and, as against the cestui-qui trust, prescription is not effective or, stated in another way, prescription does not run in favor of one who holds in trust for others. (*Manlugon vs. Manlugon*, 52 Off. Gaz., p. 855, decided on October 6, 1955; *Sevilla vs. de los Angeles*, 51 Off. Gaz., p. 5590, promulgated on November 18, 1955).

APPEAL from a judgment of the Court of First Instance of La Union. Flores, *J.*

The facts are stated in the opinion of the Court.

*Ramon O. Ordoña*, for defendants and appellees.  
*Zoilo Q. Alviar* for plaintiffs and appellees.

DIZON, *J.:*

This is an appeal from the judgment of the Court of First Instance of La Union "declaring Rosalina Opina as owner of the land described in the amended complaint and covered by Original Certificate of Title No. 7176" and ordering appellants "to reconvey the land in question by executing the necessary and proper document for the purpose", with costs.

In an amended complaint dated March 11, 1953 Rosalina Opina, assisted by her husband, sought to compel Domingo Maglaya and Veronica Acosta to reconvey to her a parcel of land covered by Original Certificate of Title No. 7176 issued in their name. In their answer to the amended complaint appellants claimed that the property aforesaid was conjugal property of the spouses Domingo Maglaya, then already deceased, and Veronica Acosta, the same having been registered in their name since 1931.

The preponderance of the evidence sufficiently shows that the land in question originally belonged to Juan Camanong, whose daughter Francisca married Cipriano Opina. Cipriano and Francisca had only one child named Astor, who married Felipa Ramos on May 23, 1921. On the occasion of their marriage Juan Camanong, Astor's maternal grandfather, donated to him and Felipa Ramos the property in litigation. After their marriage Astor and his wife took possession of the property as their own until Astor's death. Upon his death, his widow and only daughter, appellee Rosalina Opina, went to Mindanao leaving the land in question under the administration of Francisca

Camanong, mother of Astor and therefore mother-in-law of Felipe Ramos and paternal grandmother of Rosalina, with the understanding that with the produce obtained therefrom the taxes due on the land would be paid and the rest would be for the support of Francisca.

Francisca Camanong, however, contracted a second marriage with Felipe Maglaya with whom she had several children, the eldest being Domingo Maglaya who later married Veronica Acosta. At the time of the second marriage of Francisca her son by the first marriage, Astor, was still a young boy and lived with the spouses together with the children the latter begot. When Francisca Camanong, subsequent to the departure for Mindanao of Felipa Ramos and her daughter, no longer felt in condition to administer and cultivate the land, she turned it over for the same purpose to her eldest son by her second marriage, Domingo Maglaya, this explaining how the latter came into the possession and administration of the property until he died in 1944. Part of the produce obtained therefrom was delivered yearly to his mother.

It also appears that upon the death of Felipe Maglaya, Francisca contracted a third marriage with Francisco Acosta, a widower and father of appellant Veronica Acosta. During their marriage both his and her children by previous marriages lived together and this is perhaps how Domingo Maglaya came to marry Veronica.

It appears that the spouses Domingo Maglaya and Veronica Acosta succeeded in registering the land in their names, original certificate of title No. 7176 of the Office of the Register of Deeds of La Union having been issued to them on January 29, 1932. It is their claim that the property was donated to them on the occasion of their marriage in 1928 by Francisca Camanong, Domingo's mother. While the record does not disclose what was the basis of their claim in the registration proceedings, we believe that it can now be safely assumed that they secured registration in their name upon this theory—that they acquired it by way of donation from Francisca Camanong.

Their claim, however, is not supported by the evidence. In the first place, no valid donation has been proven. In the second place, Francisca Camanong categorically denied having donated the property to her grandson, Domingo Maglaya, and even if we were to assume that such donation was made, it is obvious that it could have produced no legal effect for the reason that the donor was not the owner of the property. In this connection it is noteworthy that Carolina Maglaya, a full-blood sister of Domingo, testified that the land in question really belonged to her half-brother, Astor, and that Domingo cultivated it only as a tenant.

From what has been said heretofore it is beyond question that the property in litigation belonged to Astor Opina and must be deemed to have been inherited by his only surviving daughter, appellee Rosalina.

The facts of the case likewise established beyond question that the registration of the property by the spouses Domingo Maglaya and Veronica Acosta was secured by means of fraud, in other words, by a fraudulent concealment of the fact that they had always been in possession thereof merely as administrators or trustees and not as owners.

The present action is, of course, not intended to set aside the decree of registration and the certificate of title issued in the name of the Maglayas but is a suit in equity for the reconveyance of the land. In this connection it has been repeatedly held that while a final decree cannot be reopened except within one year from its issuance, the registered owner may be compelled through a suit in equity to make a reconveyance upon a showing that he succeeded in securing registration by committing a breach of trust (*Severino vs. Severino*, 54 Phil., 343; *Castro vs. Castro*, 57 Phil., 675), and that, as against the cestui-que trust, prescription is not effective or, stated in another way, prescription does not run in favor of one who holds in trust for others. These rulings were applied by this Court in *Manlugon vs. Manlugon*, 52 Off. Gaz., p. 855, decided on October 6, 1955, and by the Supreme Court in *Sevilla vs. de los Angeles*, 51 O.T. Gaz., p. 5590, promulgated on November 13, 1955. The facts of the present case make appellants fall squarely within the purview of these decisions.

WHEREFORE, finding that the lower court committed no error, and the appealed judgment being in accordance with law and the evidence, the same is hereby affirmed, with costs.

SO ORDERED.

*Peña and Cabahug, JJ., concur.*

*Judgment affirmed.*

[No. 19938-R. June 20, 1958]

EDNA WALTER VDA. DE ALFARO, plaintiff and appellant, *vs.*  
CRISOSTOMO AYZON, defendant and appellee

COMMON CARRIERS; COLLISION; DAMAGES; EVIDENCE REQUIRED TO HOLD A COMMON CARRIER LIABLE FOR BREACH OF CONTRACT.—Common carriers are bound to exercise extraordinary diligence for the safety of the passengers transported by them (Article 1733, Civil Code); they are bound to carry the passengers safely as far as human care and foresight can provide, using the utmost diligence of very cautious persons, with a due regard for all the circumstances (Article 1755); and in case of death of or injuries to passengers, common carriers are presumed to have been at fault or to have acted negligently (Article 1756). These rules, however, do not make of the carrier an insurer of the safety of its passengers, nor do away with the general principles in the law of obligations, whether proceeding from contract or otherwise, that liability attaches when there is negligence (or fraud, delay or contravention of the tenor thereof—Article 1170), and that no person shall be responsible for events which could not be foreseen, or which, though foreseen, were inevitable (Article 1174). In order that a common carrier may be held liable for breach of contract there must be a showing, as in every case of contractual liability, that it has been negligent in the performance of its obligations under the contract and that its negligence is the cause of the damage. The rule is varied in the particular case of a carrier only in the sense that its negligence is presumed in the absence of proof, one way or the other, and that what would be ordinary diligence under given circumstances is not sufficient to exempt it from liability.

APPEAL from a judgment of the Court of First Instance of Zamboanga. Villalobos, *J.*

The facts are stated in the opinion of the Court.

Abelardo A. Climaco for plaintiff and appellant.  
Climaco & Climaco for defendant and appellee.

MAKALINTAL, *J.:*

As a result of a collision between two trucks running in the same direction, one owned and operated by Medardo Quebral and driven by Santiago Dulaca and the other owned and operated by Crisostomo Ayzon and driven by Jesus Francisco, the latter bus was forced out of the road, ran over a small embankment and crashed against a tree on the right side, causing death and injuries to its passengers. Among those injured was herein plaintiff-appellant. She commenced this action in January 1952 for the recovery of damages in the sum of ₱3,000 and attorney's fees in the sum of ₱500. The action is based on breach of the contract of carriage. The defendant pleaded in defense that he had observed extraordinary diligence to insure the safety of his passengers and that the accident was due to the criminal negligence of the driver of the other bus, Santiago Dulaca.

The trial Court sustained the defense and dismissed the complaint, without costs. It appears that Dulaca was prosecuted in the same Court for homicide and serious physical injuries through reckless imprudence and in the decision rendered on November 22, 1952 was found guilty and sentenced accordingly. In that decision the Court made the following findings:

"\* \* \* The bus driven by Jesus Francisco was running at a speed of about 40 kilometers per hour and when it was passing in front of the artesian well near the Public School Building in the Sitio of Putik and almost in a parallel position with a water sledge on the eastern side of the road, the accused Santiago Dulaca, in trying to overtake the other bus, swerved to the right side of the road and caused his bus to come in contact with the said Ayzon bus. The running-board of the right side of the Quebral bus grazed the hub bolt and the tire of the left front wheel of the Ayzon bus. As a result of this collision or contact, the Ayzon bus was thrown out of the road, forced over the small embankment and went to crash against an Acacia tree, resulting in the killing of Eustaquio Manuel and several people, as mentioned in the above-quoted information were injured. During the time that both busses were running, enough quantity of dust was raised by the Ayzon bus.

"The defense alleges that the accused was not the one who caused the contact of the two buses but the driver Jesus Francisco. Such allegation is untenable. The Ayzon bus was ahead of the bus driven by the accused and when they were in a parallel position with a water sledge, the Ayzon bus was overtaken by the bus driven by the accused and at the precise moment of swerving to the right side of the road, the Quebral bus grazed the Ayzon bus. In this position of the busses, it is not likely that the Ayzon bus was the one who made the contact with the Quebral bus. As to this point, not only the eyewitnesses for the prosecution have testified that the Quebral bus caused the collision and grazing but also the witness for the defense Leocadio Fernandez, who testified that the running-board of the Quebral bus collided with the front left wheel of the Ayzon bus."

The Court of Appeals affirmed the decision on appeal and said:

"We find the testimonies of the prosecution witnesses more worthy of credence. Even from his own testimony we are constrained to believe that Dulaca had shown complete lack of precaution in driving. The baby-bus of Francisco was running quite fast and Dulaca should not have tried to overtake it without assuring himself that the road was clear. The dust which Francisco's bus lifted while running at a fast clip made it difficult for Dulaca to see clearly what was ahead of him. In fact, it was a surprise for him to see suddenly a sled loaded with drums of water blocking his way. Even assuming that Francisco, in his excitement, veered to the left he undoubtedly was compelled to do so by Dulaca who crowded his way."

The two decisions aforesaid as well as the transcript of the testimony of the witnesses in the criminal case were submitted as evidence in the present action and were therefore properly considered and relied upon by the trial Court. Only one additional witness testified here, namely, Damaso Quijano, another passenger in the bus of appellee who also filed an action against the latter (which was tried

and decided jointly with the case at bar), but who did not appeal from the judgment against him. His testimony is to the effect that when the collision occurred the said bus was running in a somewhat inclined position because it had only one rear tire on the left side instead of two, as it had on the right side, implying thereby that the contact between the two vehicles was due to such inclined position. The implication is not supported by the record. It is established by the evidence and so found by both the trial Court and the Court of Appeals in the criminal case that it was the running board of the Quebral bus which grazed the left front wheel tire of the Ayzon bus and caused the latter to veer away forcibly to the right. There was no actual contact between the bodies of the two trucks, which would have been the case if one of them were really inclined on one side.

Assuming that the Ayzon bus had only one left rear tire as alleged, does that fact constitute such negligence as would give rise to civil liability on the part of appellee for breach of the contract of carriage? It is true that common carriers are bound to exercise extraordinary diligence for the safety of the passengers transported by them (Article 1733, Civil Code); that they are bound to carry the passengers safely as far as human care and foresight can provide, using the utmost diligence of very cautious persons, with a due regard for all the circumstances (Article 1755); and that in case of death or injuries to passengers, common carriers are presumed to have been at fault or to have acted negligently (Article 1756). These rules, however, do not make of the carrier an insurer of the safety of its passengers, nor do away with the general principles in the law of obligations, whether proceeding from contract or otherwise, that liability attaches when there is negligence (or fraud, delay or contravention of the tenor thereof—Article 1170), and that no person shall be responsible for events which could not be foreseen, or which, though foreseen, were inevitable (Article 1174). In order that a common carrier may be held liable for breach of contract there must be a showing, as in every other case of contractual liability, that it has been negligent in the performance of its obligation under the contract and that its negligence is the cause of the damage. The rule is varied in the particular case of a carrier only in the sense that its negligence is presumed in the absence of proof, one way or the other, and that what would be ordinary diligence under given circumstances is not sufficient to exempt it from liability.

But where it has been established, as in the present case, that appellee's failure to carry his passengers safely was caused entirely by the acts of the driver of the other vehicle and that even if he was somewhat remiss in his duty of

exercising extraordinary care, because his bus was running with only one rear tire on its left side, that fact was completely extraneous to the mishap and in no way contributed to it, he cannot be considered negligent for the purpose of making him civilly liable. As pointed out by the Supreme Court, citing Manresa (Vol. 8. pp. 29 and 69), whether negligence occurs as an incident in the course of the performance of a contractual undertaking (*culpa contractual*) or is itself the source of an extra-contractual obligation (*culpa aquiliana*), its essential characteristics are identical; there must be an act or omission productive of damage due to carelessness or inattention on the part of the defendant (*Cangco vs. Manila Railroad Co.*, 38 Phil. 768, 780). Regarded from another standpoint, the negligence of the driver of the Quebral bus, as far as appellee is concerned, was an unforeseen event within the meaning of Article 1174 of the Civil Code. The following case is apropos:

"\*\* \* \* the carrier is thereunder excused from liability if the accident is due to a fortuitous event. \*\* \* \* these authorities agree that some extraordinary circumstance independent of the will of the obligor, or of his employees, is an essential element of a *caso fortuito*. \*\* \* From the facts of the case, it is clear that the defendants' bus which carried Lambayang and Amsia capsized after being bumped on the left side by Habaco bus No. 39, which caused the defendants' driver to swerve his bus to the left so as to prevent it from falling into the canal and striking a tree, a maneuver which led the bus to skid and capsize. This, in our opinion, resulted from the extraordinary circumstance of being struck by the Habaco bus, independent of the will of, and unforeseen by the defendants' driver, in the absence of anything showing to the contrary." (*Ampanang et al. vs. Guinoo Transportation Company, et al.*, G. R. No. L-5044, promulgated April 30, 1953.)

The fact that at the time of the accident the Ayzon bus was running at a speed of 40 kilometers per hour does not constitute negligence either, because it was an admittedly regular speed under the conditions then existing. Although the scene was in front of a schoolhouse, it was in open country, 14 kilometers from the town proper, and the day was Sunday when there were no classes and no school children present.

WHEREFORE, there being no error in the judgment appealed from the same is hereby affirmed, with costs against appellant.

SO ORDERED.

*De Leon and Castro, JJ. concur.*

*Judgment affirmed.*

## LEGAL AND OFFICIAL NOTICES

### [FIRST PUBLICATION]

REPUBLIC OF THE PHILIPPINES  
COURT OF FIRST INSTANCE OF CEBU

CASE No. 391.—*In re petition for Philippine citizenship by YU CHONG ROA*

NOTICE OF PETITION FOR PHILIPPINE CITIZENSHIP

To the Honorable Solicitor General and Mr. Yu Chong Roa, the petitioner, and to all whom it may concern:

Whereas, a petition for Philippines citizenship pursuant to Commonwealth Act No. 473, as amended by Commonwealth Act No. 535, has been presented to this Court of First Instance of Cebu by Yu Chong Roa, who alleges that he was born in Amoy, China, on July 14, 1909 or that he emigrated to the Philippines from Amoy, China, on or about the 31st day of October, 1927, and arrived at the port of Cebu, Philippines, on the vessel, SS *Tang Shan*, that he is a resident of No. 63 Calderon Street, Cebu City; that his trade or profession is that of businessman in which he has been engaged; that he is married; that his wife's name is Cirila Du *alias* Ciring, who was born in Cebu and now resides at No. 63 Calderon Street, Cebu City; that he has children, and the name, date and place of birth, and place of residence of each of said children are as follows: 1. Alfonso Yu, April 14, 1943, Misamis, Misamis Occidental, Cebu City; 2. Bartolome Yu, February 5, 1945, Baroy, Lanao, Cebu City; 3. Domingo Yu, April 3, 1947, Cebu City, Cebu City; and 4. Felipe Yu, March 21, 1949, Cebu City, Cebu City; that he is able to speak and write English, Chinese and Cebu Visayan dialect; that he has enrolled his children of school age in the schools recognized by the government where Philippine history, civics and government are taught; that he is entitled to the benefit of Commonwealth Act No. 535 (which exempts any person born in the Philippines or has resided thereat for a period of thirty years from the filing of the declaration of intention) for the following reasons that he resided continuously in the Philippines for a period of more than 30 years; and citing Messrs. Lazaro Ramas and Glicerio C. Villarta, both citizens of the Philippines, as the witnesses whom the petitioner proposes to introduce in support of his petition.

Therefore, you are hereby given notice that said petition will be heard by this Court, on the 3rd day of July, 1959 A. D., at 8:30 a.m.

It is hereby ordered that this notice be published once a week for three consecutive weeks in the *Official Gazette* and in the *La Prensa*, a newspaper

of general circulation in the province/city of Cebu where the petitioner resides, and that such petition and this notice be posted in a public and conspicuous place in the office of the Clerk of Court.

Witness the Hon. Mateo Canonoy, Judge of the Court of First Instance of Cebu, this 6th day of November in the year nineteen hundred and fifty-eight.

Attest:  
[34-36]

VICENTE A. MIRANDA  
*Clerk of Court*

REPUBLIC OF THE PHILIPPINES  
COURT OF FIRST INSTANCE OF CEBU

CASE No. 394.—*In re petition for Philippine citizenship by BLAS GO TIAN SUN alias SUNA*

NOTICE OF PETITION FOR PHILIPPINE CITIZENSHIP

To the Honorable Solicitor General and Mr. Blas Go Tian Sun *alias* Suna, petitioner, and to all whom it may concern:

Whereas, a petition for Philippine citizenship pursuant to Commonwealth Act No. 473, as amended by Commonwealth Act No. 535, has been presented to this Court of First Instance of Cebu by Blas Go Tian Sun *alias* Suna who alleges that he was born in Cebu City, Philippines, on February 3, 1934; that he is a resident of 369-E Waling-Waling Street, Cebu City; that his trade or profession is that of sales clerk Go Occo & Co.; that he is single; that he is able to speak and write English, Chinese & Cebu-Visayan dialect; that he is entitled to the benefit of Commonwealth Act No. 535 (which exempts any person born in the Philippines or has resided thereat for a period of thirty years from the filing of the declaration of intention) for the reason that he was born in the Philippines; and citing Dr. Jose V. Agustines and Rodolfo Esplanada both citizens of the Philippines, as the witnesses whom the petitioner proposes to introduce in support of his petition.

Therefore, you are hereby given notice that said petition will be heard by this Court, on the 11th day of July, 1959 A. D. at 8:30 a.m., and

It is hereby ordered that this notice be published once a week for three consecutive weeks in the *Official Gazette* and in the *Republie Daily*, a newspaper of general circulation in the province/city of Cebu where the petitioner resides, and that such petition and this notice be posted in a public and conspicuous place in the office of the Clerk of this Court.

Witness the Hon. Jose V. Rodriguez, Judge of the Court of First Instance of Cebu, Branch IV, this

18th day of November in the year nineteen hundred and fifty-eight.

Attest:  
[34-36]

VICENTE A. MIRANDA  
Clerk of Court

REPUBLIC OF THE PHILIPPINES  
COURT OF FIRST INSTANCE OF CEBU

CASE NO. 395.—*In re petition for Philippine citizenship by COSME GO TIAN AN alias ANA*

NOTICE OF PETITION FOR PHILIPPINE CITIZENSHIP

To the Honorable Solicitor General and Mr. Cosme Go Tian An *alias* Ana, petitioner, and to all whom it may concern:

Whereas, a petition for Philippine citizenship pursuant to Commonwealth Act No. 473, as amended by Commonwealth Act No. 535, has been presented to this Court of First Instance of Cebu by Cosme Go Tian An *alias* Ana who alleges that he was born in Cebu City, Philippines, September 26, 1933; that he is a resident of 369-E Waling Waling Street, Cebu City, that his trade or profession is that of Purchasing Agent Go Occo & Co.; that he is single; that he is able to speak and write English, Chinese and Cebu-Visayan dialect; that he is entitled to the benefit of Commonwealth Act No. 535 (which exempts any person born in the Philippines or has resided thereat for a period of thirty years from the filing of the declaration of intention) for the reason that he was born in the Philippines; and citing Mr. Rodolfo Esplanada and Dr. Alejandro C. Baltazar, both citizens of the Philippines, as the witnesses whom the petitioner proposes to introduce in support of his petition.

Therefore, you are hereby given notice that said petition will be heard by this Court, on the 18th day of July, 1959 A. D., at 8:30 a.m., and

It is hereby ordered that this notice be published once a week for three consecutive weeks in the *Official Gazette* and in the *Republic Daily*, a newspaper of general circulation in the province/city of Cebu where the petitioner resides, and that such petition and this notice be posted in a public and conspicuous place in the office of the Clerk of Court.

Witness the Hon. Jose M. Mendoza, Judge of the Court of First Instance of Cebu Branch VI, this 18th day of November in the year nineteen hundred and fifty-eight.

Attest:  
[34-36]

VICENTE A. MIRANDA  
Clerk of Court

REPUBLIC OF THE PHILIPPINES  
COURT OF FIRST INSTANCE OF CEBU  
FOURTEENTH JUDICIAL DISTRICT

CASE NO. 392.—*In the matter of the petition for admission as a citizen of the Philippines by CHUA SAM alias GO TIAO.*

NOTICE OF HEARING

To the Honorable Solicitor General, Manila, Messrs. F. V. Borromeo and Jesus R. Gabyoya, for petitioner, Cebu City, and to whom it may concern:

Whereas, a petition for Philippine citizenship pursuant to Commonwealth Act 473, as amended, has been filed by Chua Sam *alias* Go Tiao, who alleges that he is a citizen of nationalist China, 42 years old, married to Lim Siok Keng, born in Chinkang on July 15, 1930, with children mentioned in the petition all born in Cebu City; merchant by occupation and a resident at 483-494 Manalili Street, Cebu City, residing continuously for 23 years in the Philippines; he has filed his declaration of intention in the office of the Solicitor General, Manila; emigrated to the Philippines on May 1935 and arrived at the Port of Manila on a vessel *S/S Angking*; able to speak and write English and Cebuano-Visayan dialect; and possessing all qualifications to become a Filipino citizen and none of disqualifications of the law; citing Messrs. Ramon Arcenas, Jesus Y. So, and Jovencio Enjambre, all Filipino citizens of good repute and residents of Cebu City.

Therefore, you are hereby given notice that said petition will be heard on this Court at session hall, Capitol Building, Third Branch, on June 6, 1959, at 8:30 a.m.; and it is hereby ordered that this notice be published in the *Official Gazette* and in *La Prensa*, a newspaper of general circulation in the City and province of Cebu, for three consecutive weeks, once a week, and petition and notice be posted in a public and conspicuous place in the office of the Clerk of this Court.

Witness the Hon. Mateo Canonoy, Judge of this Court, Third Branch, this 6th day of November, 1958:

[34-36]

VICENTE A. MIRANDA  
Clerk of Court  
By: VICENTE P. MENDEZ  
Deputy Clerk of Court

REPUBLIC OF THE PHILIPPINES  
COURT OF FIRST INSTANCE OF DAVAO  
SIXTEENTH JUDICIAL DISTRICT

NATURALIZATION CASE NO. 114.—*In the matter of the petition of DELFIN JAO alias WILLIAM LAO, to be admitted a citizen of the Philippines.*

NOTICE OF PETITION FOR PHILIPPINE CITIZENSHIP

To the Honorable Solicitor General and to the petitioner Delfin Jao *alias* William Lao of Poblacion, Digos, Davao, Philippines, and to all whom it may concern:

Whereas, a petition for Philippine citizenship pursuant to Commonwealth Act No. 473 as amend-

ed, has been presented in this Court, by Delfin Jao *alias* William Lao, who alleges that he is a resident of Poblacion, Digos, Davao, Philippines; that he was born on September 2, 1930, in Legaspi, Albay, Philippines; that his trade or profession is merchant in which he has been engaged since 1949 and from which he derives an average annual income of more than P5,000; that he is married; that his wife's name is Severina Velez, who was born in Amoy, China and now resides at Poblacion, Digos, Davao, Philippines; that he has 3 children named Ellen Jao, born on March 28, 1955 in Digos, Davao, Eddie Jao, born on October 20, 1956 in Digos, Davao, and Heddy Jao, born on October 18, 1957 in Digos, Davao; that he has resided continuously in the Philippines for a term of 28 years at least, immediately preceding the date of this petition, to wit, since September 2, 1930; that he is able to speak and write Tagalog and English languages and Bicol and Cebuano-Visayan dialects; that he cites Messrs. Angel Loyola and Benito Rabor as witnesses whom he proposes to introduce in support of his petition to become a citizen of the Philippines.

Wherefore, you are hereby given notice that said petition will be heard by this Court on the 26th day of June, 1959, at 8:00 a.m.

Let this notice be published at the expense of the petitioner, in the *Official Gazette*, for three consecutive issues thereof, and once a week for three consecutive weeks, in the *Mindanao Barometer*, a newspaper of general circulation in the City and Province of Davao, where the petitioner resides, and also let the said petition and this notice be posted in a public and conspicuous place in the office of the Clerk of Court.

Witness the Hon. Vicente N. Cusi, Jr., Judge of the Court of First Instance of Davao, Branch I, this 3rd day of November, in the year nineteen hundred and fifty-eight.

Attest: ERIBERTO A. UNSON  
[34-36] Clerk of Court

REPUBLIC OF THE PHILIPPINES

COURT OF FIRST INSTANCE OF MAASIN, LEYTE  
THIRTEENTH JUDICIAL DISTRICT

CASE No. N-48—*In re: petition for Philippine citizenship of TAN YU CHIN*

NOTICE OF PETITION FOR PHILIPPINE CITIZENSHIP

To the Honorable, the Solicitor General, Manila; Tan Yu Chin, Maasin, Leyte, and to all whom it may concern:

Whereas, a petition for naturalization pursuant to Commonwealth Act No. 473 has been presented to this Court by Tan Yu Chin who alleges that he has been a resident of Maasin, Leyte, Philippines, since

1928; born in Jolo, Sulu, on December 10, 1896 and resided thereat for 30 years; his father was a Chinese named Tan San and his mother was a Mora named Seah, both died in 1898 and 1924, respectively; visited the Republic of China in 1926–1928; has been a merchant since 1927 from which he derives an average annual income of P2,500; married to a Chinese named Li Chun Lean in 1928 who lives with him in Maasin, Leyte and with whom he has eight children namely: Osmundo, Lucas, Zacarias, Eustaquia, Pablo, Antonio, Concepcion, and Loreta, all surnamed Tan, born on December 4, 1930, October 18, 1932, November 5, 1933, November 2, 1934, August 17, 1936, August 22, 1938, November 29, 1939 and December 10, 1942, respectively; exempted from filing intention to become Filipino citizen for having been born in the Philippines and continuous resident for 60 years; speaks and writes both English and Cebu-Visayan dialect; enrolled his children in the following schools: Osmundo Tan, Maasin, Institute, Maasin, Leyte; Lucas Tan, Medicine, U. S. T., Manila; Zacarias Tan, Commerce, U. V., Cebu City; Eustaquia Tan, Commerce, U. V., Cebu City; Pablo Tan, Engineering, U. S. P., Cebu City; Antonio Tan, Commerce, U. V., Cebu City; Concepcion Tan, Nursing, U. V., Cebu City; and Loreta Tan, Chinese H. School, Cebu City; believer in the principles underlying the Philippine Constitution; desires to become Filipino and to renounce his allegiance to the Republic of Nationalist China and cites Miguel Orito and Crispin Cadavero, both of Maasin, Leyte and citizens of the Philippines as witnesses during the hearing.

You are hereby given notice that said petition will be heard by this Court at Maasin, Leyte, on the 6th day of June, 1959, at 8:30 a.m.

This notice be published for three consecutive issues of the *Official Gazette* and once a week for three successive weeks in *La Prensa*, a newspaper edited at Cebu City, but of general circulation in Leyte, and that such petition and this notice be posted in conspicuous place in the bulletin board of this Court and on the door of the Post Office of Maasin, Leyte.

Witness the Hon. Gaudencio Cloribel, Judge of this Court, on this 2nd day of October, 1958.

[34-36] PAULO HERMOSILLA  
Deputy Clerk of Court

REPUBLIC OF THE PHILIPPINES

COURT OF FIRST INSTANCE OF LEYTE

THIRTEENTH JUDICIAL DISTRICT

BRANCH I

TACLOBAN CITY

CASE No. 64.—*In the matter of the petition of YAO KENG GUAN to be admitted a citizen of the Philippines.*

## NOTICE OF PETITION FOR PHILIPPINE CITIZENSHIP

To the Honorable Solicitor General, Manila, and Atty. Quintin Quijano, counsel for the petitioner, Tacloban City, and to all whom it may concern:

Whereas, a petition for Philippine citizenship pursuant to Commonwealth Act No. 473 as amended, has been presented in this Court, by Yao Keng Guan, who alleges that he has always been a resident at the City of Tacloban since he arrived in the Philippines, for the last nineteen years immediately preceding the date of this petition, and his post-office address is at 31 Capitan Tarcela Street of the said city; that he is employed at the Tacloban Chin Hong Commercial Company, a legitimate business organization with offices at Tacloban City, from which employment he receives an annual average salary of P2,400 pesos; that he was born in Lay Ki, Amoy, China, on July 26, 1935, and is at present a citizen or subject of the Republic of China, Taipeh, Formosa; that he is married to Anna Uy Rivera who was born at Aparri, Cagayan, Philippines, on December 1, 1930, and she now resides with him at Tacloban City; that his daughter Grace Yao, who was born at Manila, Philippines, on July 16, 1958, is his only child and she is not yet of school age; that he emigrated to the Philippines from Lay Ki, Amoy, China, on or about September 12, 1939, and arrived at the port of Manila, Philippines, on vessel of the *American Lines*, on or about September 16, 1939; that he is able to speak and write English and Visayan (Waray-waray) languages; that he believes in the principles underlying the Philippine Constitution; that he has conducted himself in a proper and irreproachable manner during the entire period of his residence in the Philippine in his relation with the constituted government as well as with the community in which he is living; that because he has evinced the sincere desire to learn and embrace the custom, traditions, and ideals of the Filipino people, he has mingled socially with the Filipinos; that he is not opposed to organized government or affiliated with any association or group of persons who uphold and teach doctrines opposing all organized governments; that he is not defending or teaching the necessity or propriety of violence, personal assault or assassination for the success and predominance of men's ideas; that he is not a polygamist nor a believer in the practice of polygamy; that he has not been convicted of any crime involving moral turpitude; that he is not suffering from any incurable contagious disease; that the nation of which he is a citizen or subject is not at war with the Philippines, and, under its laws Filipinos may become naturalized citizens or subjects thereto; that it is his intention in good faith to become a citizen of the Philippines and to renounce absolutely and forever all allegiance and fidelity to any foreign prince, potentate, state or

sovereignty, and particularly to the Republic of China, Taipeh, Formosa, of which at this time he is a citizen or subject; that he will reside continuously in the Philippines from the date of the filing of his petition up to the time of his admission to Philippine citizenship; that he has all the qualifications required under section 2, and none of the disqualifications under section 4, of Commonwealth Act No. 473, and that he has not heretofore made petition for citizenship to any court; and that he has cited Francisco B. Derinda, of legal age, a resident of Tacloban City; and Daniel S. Bulante, likewise of legal age and resident of Tacloban City, who are both Filipino citizens, will appear and testify as his witnesses at the hearing of this petition.

Therefore, you are hereby given notice that said petition will be heard by this Court, at its Session Hall, Capitol Building, at Tacloban City, on June 27, 1959, at 8:00 o'clock a.m.; and

It is hereby ordered that this petition be published at the expense of the petitioner in the *Official Gazette* once a week for three consecutive weeks and in the *La Naeion*, once a week for three consecutive weeks, a newspaper edited in Manila and is of general circulation in the province of Leyte, where the petitioner resides and also let the said petition and notice be posted in a public and conspicuous place in the office of the Clerk of this Court.

Witness the Hon. Lorenzo C. Garlitos, Judge of the Court of First Instance of Leyte (Tacloban City) Branch II, this 23rd day of October, 1958, at Tacloban City, Philippines.

Attest:  
[34-36]

JOAQUIN HACBANG  
Clerk of Court

REPUBLIC OF THE PHILIPPINES  
COURT OF FIRST INSTANCE OF MANILA  
SIXTH JUDICIAL DISTRICT  
BRANCH XII

CASE NO. 34454.—*In the matter of the petition of NGO PEK KONG also known as ANTONIO Go to be admitted a citizen of the Philippines.*

## NOTICE OF AMENDED PETITION FOR PHILIPPINE CITIZENSHIP

To the Honorable Solicitor General and to Mr. Gaudioso T. Antaran, Attorney for the petitioner, 484 Rosario Street, Manila, and to all whom it may concern:

Whereas, an amended petition for Philippine citizenship pursuant to Commonwealth Act No. 473 as amended, has been presented in this Court, by Ngo Pek Kong also known as Antonio Go, who alleges that he is a resident of No. 1113 Magdalena Street, Manila; that he was born on March 2, 1933, in Amoy, Fookien, China; that his occupation is an employee, in which he has been engaged since 1955 and from which he derives an

average annual income of not less than P1,800; that he is married; that his wife's name is Elisa Lim, who was born in Aparri, Cagayan, Philippines, and now resides at 1113 Magdalena Street, Manila; that he has two children, named Georgiana Lim Go and Geofrey Lim Go, both born in Manila, on March 10, 1957 and March 18, 1958, respectively, and both residing at 1113 Magdalena Street, Manila; that he emigrated to the Philippines from Amoy, China, on or about September 1, 1939, and arrived at the port of Manila, on the vessel *Angking*; that he has resided continuously in the Philippines for a term of eighteen years, and in the City of Manila, for a term of at least one year, immediately preceding the date of the petition; that he is able to speak and write English and Tagalog; that his children are not yet of school age, but immediately upon their reaching school age will enroll them in any public or private school recognized by the Government; that on September 20, 1955, he filed with the office of the Solicitor General his declaration of intention to become a citizen of the Philippines; and that he cites Messrs. Benjamin S. Soriano and Ernesto Reyes, as witnesses whom he proposes to introduce in support of his petition.

Wherefore, you are hereby given notice that said petition will be heard by this Court on the 27th day of August, 1959, at 8:30 a.m.

Let this notice be published at the request and expense of the petitioner, in the *Official Gazette*, for three consecutive issues thereof, and once a week for three consecutive weeks, in the *Manila Times*, a newspaper of general circulation in the City of Manila, where the petitioner resides, and also let the said petition and this notice be posted in a public and conspicuous place in the office of the Clerk of Court.

Witness the Hon. Bonifacio Ysip, Judge of the Court of First Instance of Manila, this 6th day of November, in the year nineteen hundred and fifty-eight.

Attest: MACARIO M. OFILADA  
*Clerk of Court*  
[34-36]

REPUBLIC OF THE PHILIPPINES  
COURT OF FIRST INSTANCE OF MANILA  
SIXTH JUDICIAL DISTRICT  
BRANCH I

CASE No. 38189.—*In the matter of the petition of Co SAN to be admitted a citizen of the Philippines.*

NOTICE OF PETITION FOR PHILIPPINE CITIZENSHIP

To the Honorable Solicitor General and to the petitioner Mr. Co San, 467 Nueva Street, Manila, and to all whom it may concern:

Whereas, a petition for Philippine citizenship pursuant to Commonwealth Act No. 473 as amend-

ed, has been presented in this Court, by Co San, who alleges that he is a resident of No. 467 Nueva Street, Manila; that he was born on April 30, 1917, in Chua Ca, Amoy, China; that his trade or profession is businessman, in which he has been engaged since 1947, and from which he derives an average annual income of P40,000; that he is married; that his wife's name is Sabina Sy Su, who was born in Tayug, Pangasinan, Philippines, and now resides at 467 Nueva Street, Manila; that he has seven children, named Roberto Co, Betty Co, Mary Co, Remedios Co also known as Dee Hua Co, Evelyn Co, Johny Co and Catalino Co, all born in Manila, on June 22, 1944, November 11, 1946, May 20, 1949, June 21, 1951, March 25, 1953, October 16, 1954, and March 22, 1957, respectively; that he emigrated to the Philippines from Amoy, China, on or about December 29, 1937, and arrived at the port of Manila; that he has resided continuously in the Philippines for a term of twenty-one years, and in the City of Manila, for a term of one year at least, immediately preceding the date of the petition; that he is able to speak and write English and Tagalog; that he enrolled his children named Roberto Co at the University of Santo Tomas, and Betty Co, Mary Co and Remedios Co at the UST Elementary School; that he cites Messrs. Cipriano S. Allas and Justino Z. Benito, as witnesses whom he proposes to introduce in support of his petition; and that attached to the petition is a copy of his declaration of intention to become a citizen of the Philippines.

Wherefore, you are hereby given notice that said petition will be heard by this Court on the 4th day of August, 1959, at 8:30 a.m.

Let this notice be published at the request and expense of the petitioner, in the *Official Gazette*, for three consecutive issues thereof, and once a week for three consecutive weeks, in the *Voz de Manila*, a newspaper of general circulation in the City of Manila, where the petitioner resides, and also let the said petition and this notice be posted in a public and conspicuous place in the office of the Clerk of Court.

Witness the Hon. Froilan Bayona, Judge of the Court of First Instance of Manila, this 23rd day of October, in the year nineteen hundred and fifty-eight.

Attest: MACARIO M. OFILADA  
*Clerk of Court*  
[34-36]

REPUBLIC OF THE PHILIPPINES  
COURT OF FIRST INSTANCE OF MANILA  
SIXTH JUDICIAL DISTRICT  
BRANCH XII

CASE No. 38222.—*In the matter of the petition of YAO KA PHO to be admitted a citizen of the Philippines.*

## NOTICE OF PETITION FOR PHILIPPINE CITIZENSHIP

To the Honorable Solicitor General and to Mr. Emmanuel T. Jacinto, attorney for the petitioner, 514 Ayala Boulevard, Manila, and to all whom it may concern:

Whereas, a petition for Philippine citizenship pursuant to Commonwealth Act No. 473 as amended, has been presented in this Court, by Yao Ka Pho, who alleges that he is a resident of No. 400 San Fernando Street, Manila; that he was born in Chinkiang, China, on October 4, 1926; that his trade or profession is businessman and General Manager of Zenith Commercial; located at No. 52 Isabel Avenue, Malabon, Rizal, in which he has been engaged since 1954 and from which he derives an average annual income of P9,890, more or less; that he is married; that his wife's name is Susana Natividad, who was born in San Francisco del Monte, Quezon City and now resides at 400 San Fernando Street, Manila; that he has two children, named Poly Yao, born on August 23, 1952 at Sorsogon, Sorsogon, and Julie Yao, born in Masambong, San Francisco del Monte, Quezon, on May 18, 1956, and both residing at No. 400 San Fernando Street, Manila; that he emigrated to the Philippines from Chingkiang, China, on or about January 4, 1937 and arrived at the port of Manila on board a *President Liner*, the name of which he cannot now remember; that he has resided continuously in the Philippines for a period of twenty-two years, and in the City of Manila, for a period of at least one year immediately prior to the date of filing the petition; that he filed his declaration of intention on August 23, 1957; that he enrolled his child named Poly Yao at the Kwang Chi School; that he is able to read, write and speak English and Tagalog; and that he cites Messrs. Diolno Manlavi, Natividad Alberto and Paul B. Eiaw, as witnesses whom he proposes to introduce in support of his petition.

Wherefore, you are hereby given notice that said petition will be heard by this Court on the 11th day of August, 1959, at 8:30 a.m.

Let this notice be published at the request and expense of the petitioner, in the *Official Gazette*, for three consecutive issues thereof, and once a week for three consecutive weeks, in the *Voz de Manila*, a newspaper of general circulation in the City of Manila, where the petitioner resides, and also let the said petition and this notice be posted in a public and conspicuous place in the office of the Clerk of Court.

Witness the Hon. Bonifacio Ysip, Judge of the Court of First Instance of Manila, this 27th day of October, in the year nineteen hundred and fifty-eight.

Attest:  
[34-36]

MACARIO M. OFILADA  
Clerk of Court

REPUBLIC OF THE PHILIPPINES  
COURT OF FIRST INSTANCE OF MANILA  
SIXTH JUDICIAL DISTRICT  
BRANCH XIII

CASE NO. 38226.—*In the matter of the petition of Yu Kim Hoc to be admitted a citizen of the Philippines.*

## NOTICE OF PETITION FOR PHILIPPINE CITIZENSHIP

To the Honorable Solicitor General and to Mr. Rosario A de Leon, attorney for the petitioner, 4th Floor, Hongkong Bank Building, Manila, and to all whom it may concern:

Whereas, a petition for Philippine citizenship pursuant to Commonwealth Act No. 473 as amended, has been presented in this Court, by Yu Kim Hoc, who alleges that she is a resident of No. 887 R. Papa Street, Manila; that she was born on January 2, 1931, in Manila; that she is an employee in the Texas Trading, Azcarraga street, Manila, in which she derives an average annual income of P1,800; that she is single; that she has resided continuously in the Philippines since birth, and in the City of Manila, for a term of one year at least, immediately preceding the date of the petition; that she is able to speak and write English and Tagalog; that she is entitled to the benefit of section 6 of Commonwealth Act No. 473 which exempts her from filing a declaration of intention, for the reason that she was born in the Philippines and have received her primary and secondary education in private schools recognized by the Philippine Government; that she is a Bachelor of Science in Home Economics from the Philippine Women's University, Manila; and that she cites Messrs. Raymundo Villamarzo and Alex D. Cruz, as witnesses whom she proposes to introduce in support of her petition.

Wherefore, you are hereby given notice that said petition will be heard by this Court on the 10th day of August, 1959, at 8:00 a.m.

Let this notice be published at the request and expense of the petitioner, in the *Official Gazette*, for three consecutive issues thereof, and once a week for three consecutive weeks, in the *Voz de Manila*, a newspaper of general circulation in the City of Manila, where the petitioner resides, and also let the said petition and this notice be posted in a public and conspicuous place in the office of the Clerk of Court.

Witness the Hon. Bienvenido A. Tan, Judge of the Court of First Instance of Manila, this 28th day of October, in the year nineteen hundred and fifty-eight.

Attest:  
[34-36]

MACARIO M. OFILADA  
Clerk of Court

REPUBLIC OF THE PHILIPPINES  
 COURT OF FIRST INSTANCE OF MANILA  
 SIXTH JUDICIAL DISTRICT  
 BRANCH I

CASE NO. 38228.—*In the matter of the petition of NGO BENG UN to be admitted a citizen of the Philippines.*

NOTICE OF PETITION FOR PHILIPPINE CITIZENSHIP

To the Honorable Solicitor General and to Mr. Crispulo B. Ducusin, attorney for the petitioner, 440 William Li Yao Building, Manila, and to all whom it may concern:

Whereas, a petition for Philippine citizenship pursuant to Commonwealth Act No. 473 as amended, has been presented in this Court, by Ngo Beng Un, who alleges that he is a resident of No. 2302 Pennsylvania Street, Manila; that he was born on March 1, 1895, in Amoy, China; that his trade or profession is Employee, in which he has been engaged since 1938, and from which he derives an average annual income of P3,000, more or less; that he is married; that his wife's name is Ng Cheng Kiat, who was born in Amoy, China, and now resides at Hongkong; that he has a child named Ngo Phin Chao, born in 1924 in Amoy, China, and now resides at 182 Wilson Street, San Juan, Rizal; that he emigrated to the Philippines from China on or about November 21, 1931, and arrived at the port of Manila on the vessel *Anking*; that he has resided continuously in the Philippines for a term of twenty-six years, and in the City of Manila, for a term of one year at least immediately preceding the date of the petition; that he is able to speak and write English and Tagalog; that his child, Ngo Phin Chao, is no longer enrolled in any school, because she is thirty-four years old and at present a teacher in a Philippine School recognized by the Government; that he filed his declaration of intention to become a citizen of the Philippines in the office of the Solicitor General on October 1, 1951, and that he cites Messrs. Fabian S. Quesada and Amado S. Avecilla, as witnesses whom he proposes to introduce in support of his petition.

Wherefore, you are hereby given notice that said petition will be heard by this Court on the 18th day of August, 1959, at 8:30 a.m.

Let this notice be published at the request and expense of the petitioner, in the *Official Gazette*, for three consecutive issues thereof, and once a week for three consecutive weeks, in the *Voz de Manila*, a newspaper of general circulation in the City of Manila, where the petitioner resides, and also let the said petition and this notice be posted in a public and conspicuous place in the office of the Clerk of Court.

Witness the Hon. Froilan Bayona, Judge of the Court of First Instance of Manila, this 28th day

of October, in the year nineteen hundred and fifty-eight.

Attest:  
 [34-36]

MACARIO M. OFILADA  
*Clerk of Court*

REPUBLIC OF THE PHILIPPINES  
 COURT OF FIRST INSTANCE OF MANILA  
 SIXTH JUDICIAL DISTRICT  
 BRANCH I

CASE NO. 38262.—*In the matter of the petition of YAP SEE to be admitted a citizen of the Philippines.*

NOTICE OF PETITION FOR PHILIPPINE CITIZENSHIP

To the Honorable Solicitor General and to Messrs. Sycip, Quisumbing, Salazar & Associates, attorneys for the petitioner, R-502 Trade & Commerce Building, Manila, and to all whom it may concern:

Whereas, a petition for Philippine citizenship pursuant to Commonwealth Act No. 473 as amended, has been presented in this Court, by Yap See, who alleges that he is a resident of No. 937 Dagupan Street, Manila; that he was born on July 2, 1928, in Yap Chu, Fukien, China; that his trade or profession is businessman, and as such, he has an annual income of P6,000, more or less; that he is married; that his wife's name is Norma So, who was born in Manila and now resides at 937 Dagupan Street, Manila; that he has three children, named Sally Yap, Fely Yap and Edward Yap, all born in Manila, on December 11, 1954, June 14, 1956 and August 8, 1957, respectively, and all residing at 937 Dagupan Street, Manila; that he emigrated to the Philippines in 1937 from Fukien, China, and arrived in Manila in the same year; that he has resided continuously in the Philippines for more than twenty years and in the City of Manila for more than eight years immediately preceding the filing of the petition; that he is able to speak and write English and Tagalog; that his children are not yet of school age; that he cites Messrs. Carlos S. Navarro, Francisco R. Lopez and Alberto S. Wong, as witnesses whom he proposes to introduce in support of his petition; and that attached to the petition is a copy of his declaration of intention to become a citizen of the Philippines.

Wherefore, you are hereby given notice that said petition will be heard by this Court on the 20th day of August, 1959, at 8:30 a.m.

Let this notice be published at the request and expense of the petitioner, in the *Official Gazette*, for three consecutive issues thereof, and once a week for three consecutive weeks, in the *Voz de Manila*, a newspaper of general circulation in the City of Manila, where the petitioner resides, and

also let the said petition and this notice be posted in a public and conspicuous place in the office of the Clerk of Court.

Witness the Hon. Froilan Bayona, Judge of the Court of First Instance of Manila, this 29th day of October, in the year nineteen hundred and fifty-eight.

Attest:  
[34-36]

MACARIO M. OFILADA  
*Clerk of Court*

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REPUBLIC OF THE PHILIPPINES  
COURT OF FIRST INSTANCE OF MANILA  
SIXTH JUDICIAL DISTRICT  
BRANCH III

CASE No. 38264.—*In the matter of the petition of JOSE LIM SIONG CHIN to be admitted a citizen of the Philippines.*

NOTICE OF PETITION FOR PHILIPPINE CITIZENSHIP

To the Honorable Solicitor General and to the petitioner, Mr. Jose Lim Siong Chin, 1373 Anacleto Street, Manila, and to all whom it may concern:

Whereas, a petition for Philippine citizenship pursuant to Commonwealth Act No. 473 as amended, has been presented in this Court, by Jose Lim Siong Chin, who alleges that he is a resident of No. 1373 Anacleto Street, Manila; that he was born in Kalibo, Capiz, Philippines, on April 2, 1927; that he is an employee and his average annual income amounts to P3,600; that he is single; that he has resided continuously in the Philippines for a period of more than thirty-one years, and in Manila, at least one year immediately preceding the filing of the petition; that he is able to speak and write English and Tagalog, besides the Chinese language; that being single, he has no children as yet, but in case he shall have in the future he bind to enroll them in schools and colleges duly recognized by the Government of the Philippines; that he is exempted from filing a declaration of intention, for the reason that he has been a resident of the Philippines continuously for more than thirty years and further due to the fact that he is a native born of the Philippines and have completed both his elementary and secondary education in schools and colleges duly recognized by the Government and that he cites Messrs. Braulio Abad and Conrado Aquino, as witnesses whom he proposes to introduce in support of his petition.

Wherefore, you are hereby given notice that said petition will be heard by this Court on the 17th day of August, 1959, at 8:30 a.m.

Let this notice be published at the request and expense of the petitioner, in the *Official Gazette*, for three consecutive issues thereof, and once a week for three consecutive weeks, in the *Daily*

*Mirror*, a newspaper of general circulation in the City of Manila, where the petitioner resides, and also let the said petition and this notice be posted in a public and conspicuous place in the office of the Clerk of Court.

Witness the Hon. Jesus Y. Perez, Judge of the Court of First Instance of Manila, this 29th day of October, in the year nineteen hundred and fifty-eight.

Attest:  
[34-36]

MACARIO M. OFILADA  
*Clerk of Court*

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REPUBLIC OF THE PHILIPPINES  
COURT OF FIRST INSTANCE OF MANILA  
SIXTH JUDICIAL DISTRICT  
BRANCH IX

CASE No. 38265.—*In the matter of the petition of CHUA PUN baptized as LEONCIO SY PENG BEN to be admitted a citizen of the Philippines.*

NOTICE OF PETITION FOR PHILIPPINE CITIZENSHIP

To the Honorable Solicitor General and to the petitioner, Mr. Chua Pun baptized as Leoncio Sy Peng Ben, 1475 Laong Laan Street, Manila, and to all whom it may concern:

Whereas, a petition for Philippine citizenship pursuant to Commonwealth Act No. 473 as amended, has been presented in this Court, by Chua Pun baptized as Leoncio Sy Peng Ben, who alleges that he is a resident of No. 1475 Laong Laan Street, Manila; that he was born on May 13, 1913, in Chinkang, China; that he is a merchant and his average annual income during the last three years amounted to P6,000, more or less; that he is married; that his wife's name is Juanita Li-ao, who was born in Manila and now resides at 1475 Laong Laan Street, Manila; that he has four children, named Luz Sy, baptized as Maria Teresa Sy, Edmundo Sy, Alberto Sy and Wilfredo Sy, all born in Manila, on July 20, 1948, April 17, 1952, August 11, 1954 and March 5, 1956, respectively; and all residing at 1475 Laong Laan Street, Manila; that he emigrated to the Philippines from Amoy, China, and arrived at the port of Manila on or about October 2, 1924 on the vessel *Susana*; that he has resided continuously in the Philippines for a period of thirty-four years, and in the City of Manila, one year at least immediately preceding the date of the petition; that he is able to speak and write English and Tagalog; besides the Chinese language; that he enrolled his child of school age named Luz Sy at the Immaculate Conception Anglo-Chinese Academy; that he is exempted from filing a declaration of intention, on account of the fact that he has been residing in the Philippines continuously for more than thirty years; that he filed a petition for citizenship, case No. 31768 which was denied on the ground that the evidence presented

was not sufficient; and that he cites Messrs. Constancio Aranda and Felicisimo L. Trinidad, as witnesses whom he proposes to introduce in support of his petition.

Wherefore, you are hereby given notice that said petition will be heard by this Court on the 21st day of August, 1959, at 8:30 a.m.

Let this notice be published at the request and expense of the petitioner, in the *Official Gazette*, for three consecutive issues thereof, and once a week for three consecutive weeks, in the *Daily Mirror*, a newspaper of general circulation in the City of Manila, where the petitioner resides, and also let the said petition and this notice be posted in a public and conspicuous place in the office of the Clerk of Court.

Witness the Hon. Ramon O. Nolasco, Judge of the Court of First Instance of Manila, this 29th day of October, in the year nineteen hundred and fifty-eight.

Attest: MACARIO M. OFILADA  
[34-36] Clerk of Court

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REPUBLIC OF THE PHILIPPINES  
COURT OF FIRST INSTANCE OF MANILA  
SIXTH JUDICIAL DISTRICT  
BRANCH III

CASE NO. 38279.—*In the matter of the petition of Go Ching to be admitted a citizen of Philippines.*

NOTICE OF PETITION FOR PHILIPPINE CITIZENSHIP  
To the Honorable Solicitor General and to the petitioner, Mr. Go Ching, 985 Dagupan street, Manila, and to all whom it may concern:

Whereas, a petition for Philippine citizenship pursuant to Commonwealth Act No. 473 as amended, has been presented in this Court, by Go Ching, who alleges that he is a resident of No. 985 Dagupan Street, Manila; that he was born in Amoy, China, on April 16, 1903; that his trade or profession is merchant and his average annual income during the last three years amounted to P7,400, more or less; that he is married; that his wife's name is Ong Yan Ti, who was born in Amoy, China, and now resides at 985 Dagupan Street, Manila; that he has seven children, named Go Yu Te, Go Tik Hee and Go Tik Chuan, all born in China, on October 17, 1923, November 3, 1930, and February 7, 1935, respectively, Nila Go, Gloria Go, Henry Go and Shirley Go, all born in Manila, on September 26, 1940, February 19, 1942, October 9, 1943, and May 7, 1946, respectively, and all residing at Manila; that he emigrated to the Philippines from China and landed at the port of Manila on December 23, 1917, on the vessel *Pong Tong*; that he has resided continuously in the Philippines for a period of forty years, and in the City of Manila at least one year immediately

preceding the date of the filing of the petition; that he is able to speak and write English and Tagalog, besides the Chinese language; that he enrolled his children of school age, named Go Yu Te at the St. Stephen Girls High School, Go Tik Hee finished Commerce, in the University of the East, Go Tik Chuan enrolled at the University of Santo Tomas, Nita Go and Gloria Go are enrolled in the Immaculate Concepcion Academy, Henry Go at the Crusaders' School and Shirley Go at the Immaculate Concepcion Academy; that he is exempted from filing a declaration of intention, for the reasons that he has been residing in the Philippines continuously for a period of more than thirty years and have enrolled his children in schools and colleges duly recognized by the Government; and that he cites Messrs. Severino N. Clemente and Sancho B. de Leon, as witnesses whom he proposes to introduce in support of his petition.

Wherefore, you are hereby given notice that said petition will be heard by this Court on the 19th day of August, 1959, at 8:30 a.m.

Let this notice be published at the request and expense of the petitioner, in the *Official Gazette*, for three consecutive issues thereof, and once a week for three consecutive weeks, in the *Daily Mirror*, a newspaper of general circulation in the City of Manila, where the petitioner resides, and also let the said petition and this notice be posted in a public and conspicuous place in the office of the Clerk of Court.

Witness the Hon. Jesus Y. Perez, Judge of the Court of First Instance of Manila, this 30th day of October, in the year nineteen hundred and fifty-eight.

Attest: MACARIO M. OFILADA  
[34-36] Clerk of Court

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REPUBLIC OF THE PHILIPPINES  
COURT OF FIRST INSTANCE OF MANILA  
SIXTH JUDICIAL DISTRICT  
BRANCH XIX

CASE NO. 38302.—*In the matter of the petition of Yap Bun Iau to be admitted a citizen of the Philippines.*

NOTICE OF PETITION FOR PHILIPPINE CITIZENSHIP  
To the Honorable Solicitor General and to Ma- banag Law Office, attorneys for the petitioner, 417 Legislative Building, Manila, and to all whom it may concern:

Whereas, a petition for Philippine citizenship pursuant to Commonwealth Act No. 473 as amended, has been presented in this Court, by Yap Bun Iau, who alleges that he is a resident of No. 1336 Soler Street, Manila; that he was born on May 31, 1905, in Amoy, China; that his trade or profession is merchant in which he has been engaged since 1945, and from which he derives

an average annual income of ₱18,000; that he is married; that his wife's name is So Tin, who was born in Amoy, China, and now resides at No. 1336 Soler Street, Manila; that he has six children, named Benito, Antonio, Conchita, Simeon, Crescencio and Leoncio Yap, all born in Manila, on December 28, 1943, May 6, 1945, December 13, 1946, April 27, 1948, September 19, 1949 and November 24, 1950, respectively, and all residing at 1336 Soler Street, Manila; that he emigrated to the Philippines from Amoy, China, on or about March, 1921, and arrived at the port of Manila on the vessel *Wathua*; that he has resided continuously in the Philippines for a term of thirty-seven years, and in the City of Manila, for a term of twenty-eight years, immediately preceding the date of the petition; that he is able to speak and write English and the Philippine National Language; that all his children are enrolled at the Chinese Republican School; that he is exempted from filing a declaration of intention, for having resided continuously in the Philippines for more than thirty years; and that he cites Messrs. Jose R. Chuatoco and Artemio Tanchoco, as witnesses whom he proposes to introduce in support of his petition.

Wherefore, you are hereby given notice that said petition will be heard by this Court on the 20th day of August, 1959, at 8:30 a.m.

Let this notice be published at the request and expense of the petitioner, in the *Official Gazette*, for three consecutive issues thereof, and once a week for three consecutive weeks, in the *Nueva Era*, a newspaper of general circulation in the City of Manila, where the petitioner resides, and also let the said petition and this notice be posted in a public and conspicuous place in the office of the Clerk of Court.

Witness the Hon. Julio Villamor, Judge of the Court of First Instance of Manila, this 31st day of October, in the year nineteen hundred and fifty-eight.

Attest:  
[34-36]

MACARIO M. OFILADA  
Clerk of Court

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REPUBLIC OF THE PHILIPPINES  
COURT OF FIRST INSTANCE OF MANILA  
SIXTH JUDICIAL DISTRICT  
BRANCH XIII

CASE No. 38306.—*In the matter of the petition of Co Bi alias SY LING KI to be admitted a citizen of the Philippines.*

NOTICE OF PETITION FOR PHILIPPINE CITIZENSHIP

To the Honorable Solicitor General and to Mr. Vicente V. Ocampo, attorney for the petitioner, 240 Villalobos Street, Manila, and to all whom it may concern:

Whereas, a petition for Philippine citizenship pursuant to Commonwealth Act No. 473 as amended, has been presented in this Court, by Co Bi

*alias* Sy Ling Ki, who alleges that he is a resident of No. 618 Carriedo Street, Manila; that he was born on November 4, 1921, in Chingkang, China; that his trade or profession is merchant, being the proprietor of the "Carson City Bazaar", located at 616-618 Carriedo Street, Manila, with a capital of P60,000, more or less; that he is married; that his wife's name is Elena Co Bian, who was born in the City of Manila and now resides at No. 618 Carriedo Street, Manila; that he has four children, named Wilson L. Sy, Henry Sy, Valentino Sy and Ruby Sy, all born in Manila, on November 28, 1952, August 12, 1954, February 13, 1956 and June 2, 1957, respectively, and all residing at 618 Carriedo Street, Manila; that he has one child, named Jose Mariano Sy, who was born in the City of Manila, on July 19, 1944, by his first wife, Bernardina C. Magno, who died in the City of Manila on July 4, 1950; that he arrived in the port of Manila from China on or about June 30, 1930 on the vessel *Susana*; that he has resided continuously in the Philippines for a period of twenty-eight years, and in the City of Manila, for at least one year immediately preceding the date of the petition; that he is able to speak and write English and Tagalog; that he enrolled his children of school age named Jose Mariano Sy at the Mapua Institute of Technology and Wilson L. Sy at the Kuang Chi School; that he filed his declaration of intention with the Office of the Solicitor General on June 10, 1954; and that he cites Messrs. Aproniano G. Cruz and Librado C. Lim, as witnesses whom he proposes to introduce in support of his petition.

Wherefore, you are hereby given notice that said petition will be heard by this Court on the 24th day of August, 1959, at 8:00 a.m.

Let this notice be published at the request and expense of the petitioner, in the *Official Gazette*, for three consecutive issues thereof, and once a week for three consecutive weeks, in the *Voz de Manila*, a newspaper of general circulation in the City of Manila, where the petitioner resides, and also let the said petition and this notice be posted in a public and conspicuous place in the Office of the Clerk of Court.

Witness the Hon. Bienvenido A. Tan, Judge of the Court of First Instance of Manila, this 31st day of October, in the year nineteen hundred and fifty-eight.

Attest:  
[34-36]

MACARIO M. OFILADA  
Clerk of Court

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REPUBLIC OF THE PHILIPPINES  
COURT OF FIRST INSTANCE OF MANILA  
SIXTH JUDICIAL DISTRICT  
BRANCH II

CASE No. 38316.—*In the matter of the petition of YU CHIAO CHIOK also known as JOHNNY YU to be admitted a citizen of the Philippines.*

## NOTICE OF PETITION FOR PHILIPPINE CITIZENSHIP

To the Honorable Solicitor General and to Mr. Rosario A. de Leon, attorney for the petitioner, 4th Floor, Hongkong Bank Building, Manila, and to all whom it may concern:

Whereas, a petition for Philippine citizenship pursuant to Commonwealth Act No. 473 as amended, has been presented in this Court, by Yu Chiao Chiok, also known as Johnny Yu, who alleges that he is a resident of No. 867 R. Papa Street, Manila; that he was born on July 20, 1935, in Manila; that he is an employee in Yu & Company, Inc., Alliance Building, Rosario Street, Manila, in which he has been engaged since September 15, 1958, and from which he derives an average annual income of P2,160; that he is single; that he has resided continuously in the Philippines, since birth, and in the City of Manila, for a term of one year at least, immediately preceding the date of the petition; that he is able to speak and write English and Tagalog; that he is exempted from filing a declaration of intention, for the reasons that he was born in the Philippines and have received his primary and secondary education in private schools recognized by the Government; that he is a Bachelor of Science in Commerce graduate of the De la Salle College, Manila; and that he cites Messrs. Raymundo Villamarzo and Alex D. Cruz, as witnesses whom he proposes to introduce in support of his petition.

Wherefore, you are hereby given notice that said petition will be heard by this Court on the 25th day of August, 1959, at 8:30 a.m.

Let this notice be published at the request and expense of the petitioner, in the *Official Gazette*, for three consecutive weeks, in the *Voz de Manila*, a newspaper of general circulation in the City of Manila, where the petitioner resides, and also let the said petition and this notice be posted in a public and conspicuous place in the office of the Clerk of Court.

Witness the Hon. Francisco E. Jose, Judge of the Court of First Instance of Manila, this 3rd day of November, in the year nineteen hundred and fifty-eight.

Attest:  
[34-36]

MACARIO M. OFILADA  
*Clerk of Court*

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REPUBLIC OF THE PHILIPPINES  
COURT OF FIRST INSTANCE OF PANGASINAN  
THIRD JUDICIAL DISTRICT  
BRANCH V, URDANETA

CIVIL CASE NO. U-243.—*In the matter of the petition for naturalization of BASILISO ARCENAL, petitioner.*

## NOTICE OF PETITION FOR PHILIPPINE CITIZENSHIP

To the Honorable, the Solicitor General, Manila, Basiliso Arcenal, Gral. Luna, Rosales, Pangasinan, and to all whom it may concern:

Whereas, a petition for Philippine citizenship pursuant to Commonwealth Act No. 473 as amended by Act No. 535, has been presented in this Court of First Instance of Pangasinan, by Basiliso Arcenal, a chinaman, who alleges that he was born on April 15, 1911, in Biliran, Leyte, Philippines, and at present a citizen or subject of the Republic of China; that his present place of residence is Gral. Luna St., Rosales, Pangasinan; that he has been residing continuously in the Philippines for a term of 26 years up to the present; that the petitioner is married to Tan Siu Tin, who was born in Amoy, China and now resides in Hongkong and can speak and write the English language, and Tagalog; that he believes in the principles underlying the Philippine Constitution; that he conducted himself in a proper and irreproachable manner during the entire period of his residence in the Philippines in his relations with the constituted government as well as with the community wherein he lives; that he has mingled socially with the Filipinos and has evinced a sincere desire to learn and embrace the customs, traditions and ideals of the Filipino people; that it is his intention in good faith to become a citizen of the Philippines and to renounce absolutely and forever all allegiance and fidelity to any foreign power particularly to the Republic of China of which he is at present a citizen or subject; and that he will reside continuously in the Philippines from the date of the filing of his petition up to the time of his admission to Philippine citizenship, citing Governor Conrado F. Estrella and Mayor Silvestre Domingo, both of the municipality of Rosales, Pangasinan, as his witnesses whom he proposes to introduce in support of his petition.

Therefore, you are hereby given notice that said petition will be heard in the Fifth Branch of this Court, at Urdaneta, Pangasinan, on the 3rd day of September, 1959, at 8:00 o'clock in the morning; and

It is hereby ordered that this notice be published at the expense of the petitioner once a week for three consecutive weeks in the *Official Gazette*, Manila, and once a week for three consecutive weeks in the *Sunday Punch*, a newspaper of general circulation in the province of Pangasinan and that said petition and this notice be posted in a public conspicuous place in the office of the Clerk of Court.

Witness the Hon. Amado S. Santiago, Judge of this Court of First Instance, Branch V, this 7th day of November, 1958.

VICENTE J. ANGELES  
[34-36]  
*Clerk of Court*

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REPUBLIC OF THE PHILIPPINES  
COURT OF FIRST INSTANCE OF PANGASINAN  
THIRD JUDICIAL DISTRICT  
BRANCH V, URDANETA

CIVIL CASE NO. U-244.—*In the matter of petition for naturalization of SY CHIN, petitioner.*

## NOTICE OF PETITION FOR PHILIPPINE CITIZENSHIP

To the Honorable, the Solicitor General, Manila, Sy Chin, Carmen, Rosales, Pangasinan, and to all whom it may concern:

Whereas, a petition for Philippine citizenship pursuant to Commonwealth Act No. 473 as amended by Act No. 535, has been presented in this Court of First Instance of Pangasinan, by Sy Chin, a chinaman, who alleges that he was born on January 14, 1936, in Amoy, China, and at present a citizen or subject of the Republic of China; that his present place of residence is Carmen, Rosales, Pangasinan; that he has been residing continuously in the Philippines for more than 20 years up to the present; that the petitioner is single and can speak and write English language, Tagalog and little of Pangasinan dialects; that he believes in the principles underlying the Philippine Constitution; that he conducted himself in a proper and irreproachable manner during the entire period of his residence in the Philippines in his relations with the constituted government as well as with the community wherein he lives; that he has mingled socially with the Filipinos and has evinced a sincere desire to learn and embrace the customs, traditions and ideals of the Filipino people; that it is his intention in good faith to become a citizen of the Philippines and to renounce absolutely and forever all allegiance and fidelity to any foreign power particularly to the Republic of China of which he is at present a citizen or subject; and that he will reside continuously in the Philippines from the date of the filing of his petition up to the time of his admission to Philippine citizenship, citing Messrs. Jose D. Parayno and Adriano Pasaoa, both of the municipality of Calasiao, Pangasinan, as his witnesses whom he proposes to introduce in support of his petition.

Therefore, you are hereby given notice that said petition will be heard in the Fifth Branch of this Court, at Urdaneta, Pangasinan, on the 22nd day of September, 1959, at 8:00 o'clock in the morning; and

It is hereby ordered that this notice be published at the expense of the petitioner once a week for three consecutive weeks in the *Official Gazette*, Manila, and once a week for three consecutive weeks in the *Pangasinan Courier*, a newspaper of general circulation in the province of Pangasinan and that said petition and this notice be posted in a public conspicuous place in the office of the Clerk of Court.

Witness the Hon. Amado S. Santiago, Judge of this Court of First Instance, Branch V, this 12th day of November, 1958.

VICENTE J. ANGELES  
Clerk of Court

[34-36]

REPUBLIC OF THE PHILIPPINES  
COURT OF FIRST INSTANCE OF RIZAL  
SEVENTH JUDICIAL DISTRICT  
PASIG, RIZAL

NATURALIZATION CASE NO. 420.—*In the matter of the petition of MARCELINO NG SIU LIM to be admitted a citizen of the Philippines.*

## NOTICE OF HEARING

To the Honorable Solicitor General, Marcelino Ng Siu Lim of No. 37 Isabel Avenue, Caloocan, Rizal, and to all whom it may concern:

Whereas, a petition for Philippine citizenship pursuant to Commonwealth Act No. 473, as amended, has been presented in this Court by Marcelino Ng Siu Lim who alleges that: his present place of residence is No. 37 Isabel Avenue, Caloocan, Rizal, and his former residence was 65 Rosario Street, Binondo, Manila; his trade or profession is that of an employee of Uy Tit & Co., Inc., a hardware located at Nos. 312-314 Dasmariñas Street, Manila, as well as a stockholder of said corporation and from which employment and investment he derives an average annual income of ₱16,191.97; he was born on January 2, 1929 at 65 Rosario Street, Binondo, Manila and at present a citizen or subject of the Republic of China, under whose laws Filipinos may become naturalized citizens or subjects thereof; he is married to Lim Dioc Dee also known as Dee Piek Giok, who was born on February 1, 1928 at Amoy, China and now resides with him at the above address; he has children, named: Grace Ng, Nancy Ng and Terry Ng, all born in Manila, on August 12, 1948, November 26, 1949 and September 9, 1954, respectively; he has resided continuously in Manila, Philippines since birth on January 2, 1929 except for brief visits abroad, and in Malabon, Rizal, since 1951; he is able to speak and write English and Tagalog; he has enrolled his children, Grace Ng at Hope Christian High School and Nancy Ng at Hope Christian High School; and he cites as witnesses, Messrs. Ramon C. Ventura, Panfilo de Leon and Jose J. Viray, all of legal age, Filipino citizens and residing at 2426 Juan Luna Street, Tondo, 1182 Carola Street, Sampaloc and 2161 Anaeleto Street, Santa Cruz, Manila, respectively, whom he proposes to introduce in support of petition.

Wherefore, you are hereby given notice that the said petition will be heard by this Court, sitting in Pasig, Rizal, on July 9, 1959, at 8:30 a.m.

Let this notice be published at the expense of the petitioner, once a week for three consecutive weeks in the newspaper, *Daily Record*, of general circulation in this province and in the *Official Gazette*, and be posted in a public and conspicuous place in the Office of the Clerk of Court.

Witness the Hon. Eulogio Mencias, Judge of this Court, this 30th day of October, 1958.

BENITO MACROHON  
[34-36] Clerk of Court

Witness the Hon. Andres Reyes, Judge of this Court, this 18th day of November, 1958.

BENITO MACROHON  
[34-36] Clerk of Court

REPUBLIC OF THE PHILIPPINES  
COURT OF FIRST INSTANCE OF RIZAL  
SEVENTH JUDICIAL DISTRICT  
PASIG, RIZAL

NATURALIZATION CASE No. 426.—*In the matter of the petition of FRANCISCO TAN to be admitted a citizen of the Philippines.*

#### NOTICE OF HEARING

To the Honorable Solicitor General, Francisco Tan of 187-B Wilson, San Juan, Rizal, and to all whom it may concern:

Whereas, a petition for Philippine citizenship pursuant to Commonwealth Act No. 473, as amended, has been presented in this Court by Francisco Tan who alleges that: his present place of residence is 187-B Wilson, San Juan, Rizal, and his former residence was 636 Alvarado Street, Manila; his trade or profession is salesman of General Offset Press, Inc., located at 1140-1142 Rizal Avenue Extension, Grace Park, Caloocan, Rizal, in which he has been engaged since 1955 with a monthly salary of P250; that he derives an annual income of P5,288.62 from 1955 to 1957; he was born on October 5, 1930 at Manila; he is at present a citizen of the Republic of Nationalist China at Formosa under whose laws Filipinos may become naturalized citizens or subjects thereof; he is single; he has resided continuously in the Philippines for a term of 28 years and from January 6, 1955 at San Juan, Rizal, immediately preceding the date of this petition and having received his elementary and secondary education at the Philippine Hong Kong Institute, Manila and Mapua Institute of Technology, Manila, respectively, which are both recognized by the government and not limited to any race or nationality; he is able to speak and write English and Tagalog; and he cites, as witnesses, Messrs. Isidro F. Fojas, Jaime Y. Leonardo and Maximo Capule, all of legal age, Filipino citizens and residing at 134 R. del Pan, Makati, Rizal, 19 Sn. Nicolas, La Huerta, Parañaque, Rizal and 32 Sto. Tomas, Quezon City, respectively, whom he proposes to introduce in support of his petition.

Wherefore, you are hereby given notice that the said petition will be heard by this court, sitting in Pasig, Rizal, on July 28, 1959, at 8:30 a.m.

Let this notice be published at the expense of the petitioner, once a week for three consecutive weeks in the newspaper, *Daily Record*, of general circulation in this province and in the *Official Gazette*, and be posted in a public and conspicuous place in the office of the Clerk of Court.

REPUBLIC OF THE PHILIPPINES  
COURT OF FIRST INSTANCE OF RIZAL  
SEVENTH JUDICIAL DISTRICT  
PASIG, RIZAL

NATURALIZATION CASE No. 429.—*In the matter of the petition of LIM Kok LE to be admitted a citizen of the Philippines.*

#### NOTICE OF HEARING

To the Honorable Solicitor General and to the petitioner Lim Kok Le of Malabon, Rizal, and to all whom it may concern:

Whereas, a petition for Philippine citizenship pursuant to Commonwealth Act No. 473, as amended by Commonwealth Act No. 535, has been presented in this Court of First Instance of Rizal, by Lim Kok Le, who alleges that: his present place of residence is Tenejeros, Malabon, Rizal and his former residence is the same; his trade or profession is merchant in which he has been engaged since 1954 and from which he derives an average annual income of P8,000; he was born in Ko Kia, Amoy, China on October 15, 1931; he is at present a citizen or subject of China, under whose laws Filipinos may become naturalized citizens or subjects thereof; he is married to Clarita Tong, who was born in Manila and now residing at Tenejeros, Malabon, Rizal; he has a child, namely: Shirley Lim, born in Manila on December 2, 1955 and residing at Tenejeros, Malabon, Rizal; he emigrated to the Philippines from China on April 5, 1938 and arrived at the Port of Manila, Philippines; he has resided continuously in the Philippines for a term of 20 years at least, immediately preceding the date of this petition, to wit, since 1938 and in the municipality of Malabon, Rizal, since November 8, 1957; he is able to speak and write English and Tagalog; and he cites as witnesses, Antonio Niedao, Lydia Cuyugan, Alberto Cardenas, Arsenio Yacat, all of legal age and residing at K 2nd, Kamuning, Quezon City, Villamor Street, Mandaluyong, Rizal, 1003 Padre Rada, Manila, and Aurora Blvd., Manila, respectively, whom he proposes to introduce in support of his petition.

Wherefore, you are hereby given notice that the said petition will be heard by this court, sitting in Pasig, Rizal, on the 6th day of July, 1959 at 8:30 a.m.

Let this notice be published at the expense of the petitioner, once a week for three consecutive weeks in the newspaper, *Voz de Manila*, of general circulation in this province and in the *Official Gazette* and let also a copy of the same be posted in a public and conspicuous place in the office of the Clerk of Court.

Witness the Hon. Andres Reyes, Judge of this Court, this 21st day of November, 1958.

BENITO MACROHON  
Clerk of Court

[34-36]

REPUBLIC OF THE PHILIPPINES  
COURT OF FIRST INSTANCE OF ZAMBOANGA DEL NORTE  
SIXTEENTH JUDICIAL DISTRICT  
DIPOLOG

NATURALIZATION CASE No. R-27.—*In the matter of the petition to be admitted a citizen of the Philippines. Co BENG alias ANTONIO LIM, petitioner*

## NOTICE OF PETITION FOR PHILIPPINE CITIZENSHIP

To the Honorable Solicitor General, Manila, the petitioner, Co Beng *alias* Antonio Lim, Dipolog, Zamboanga del Norte, and to all whom it may concern:

Whereas, a petition for Philippine citizenship, pursuant to Commonwealth Act No. 473, has been presented to this Court by Co Beng, *alias* Antonio Lim, who alleges that he was born in Amoy, China, on June 12, 1916, and arrived at the port of Manila, Philippines, on May 5, 1933, on board the vessel *SS An King*; that he is presently a resident of Dipolog, Zamboanga del Norte; that his trade or profession is that of a merchant in which he has been engaged since his arrival in the Philippines; that he is married; that his wife's name is Consuelo Gonzales, a Filipina, who was born on June 9, 1920, at Dipolog, Zamboanga del Norte, and now resides with the petitioner at said municipality; that he has children, and the names, date and place of birth, and place of residence of each of said children are as follows: 1. Lilia Luisa Gonzales Lim, December 3, 1943, Dipolog, Zamboanga del Norte; 2. Cyrus Gonzales Lim, August 25, 1945, Dipolog, Zamboanga del Norte; 3. Ester Gonzales

Lim, September 25, 1947, Dipolog, Zamboanga del Norte; 4. Carlos Gonzales Lim, February 19, 1949, Dipolog, Zamboanga del Norte; 5. Leo Samson Gonzales Lim, November 4, 1951, Dipolog, Zamboanga del Norte; 6. Violeta Gonzales Lim, November 17, 1955, Dipolog, Zamboanga del Norte; 7. Victor Gonzales Lim, June 7, 1955, Dipolog, Zamboanga del Norte; and 8. Jose Edwin Gonzales Lim, April 20, 1958, Dipolog Zamboanga, del Norte; that he is able to speak English and Visayan dialect; that he has enrolled his children of school age in the following schools: 1. Lilia Luisa Gonzales Lim, Andres Bonifacio Institute, Dipolog, Zamboanga del Norte; 2. Cyrus Gonzales Lim, Andres Bonifacio Institute, Dipolog, Zamboanga del Norte; 3. Ester Gonzales Lim, Miputak Elementary School, Dipolog, Zamboanga del Norte; 4. Carlos Gonzales Lim, Dipolog Chinese (English) School, Dipolog, Zamboanga del Norte; and 5. Leo Samson Gonzales Lim, Dipolog Chinese (English) School, Dipolog, Zamboanga del Norte; that he cites Mr. Valentin Yebes and Dr. Casiano Frias, who are Filipino citizens, as witnesses whom he proposes to introduce in support of his petition.

Wherefore, you are hereby given notice that said petition will be heard by this Court on the 18th day of June, 1959, at 8:30 o'clock in the morning.

Let this notice be published at the expense of the petitioner for three consecutive issues in the *Official Gazette* and for three consecutive weeks in the *Manila Chronicle*, a newspaper edited and published in the City of Manila, and of general circulation in the province of Zamboanga del Norte, the last publications should be made not less than 6 months before the date herein fixed for hearing of said petition. (Per Republic Act No. 530).

Witness the Hon. Onofre Sison Abalos, Judge of said Court, this 5th day of November, 1958, at Dipolog, Zamboanga del Norte.

[34-36]

V. S. CONCHA  
Clerk of Court

## [SECOND PUBLICATION]

REPUBLIC OF THE PHILIPPINES  
COURT OF FIRST INSTANCE OF BATANGAS  
EIGHTH JUDICIAL DISTRICT

NATURALIZATION CASE No. 663.—*In the matter of the petition of CHUA ENG alias DOMINGO CHUA to be admitted a citizen of the Philippines. CHUA ENG alias DOMINGO CHUA, petitioner.*

## NOTICE OF PETITION FOR PHILIPPINE CITIZENSHIP

To the Honorable Solicitor General, Manila; to Atty. Gregorio Paglicawan, Counsel for the petitioner, Batangas, Batangas, and to all whom it may concern:

Whereas, a petition for Philippine citizenship, pursuant to Commonwealth Act No. 473, as amended by Commonwealth Act No. 535, has been presented before this Court by Chua Eng *alias* Domingo Chua, who alleges, among other things, that he is a resident of Batangas, Batangas; that he is a businessman by trade or profession, in which he has been engaged since 1937, and from which he derives an annual income of about ₱9,000; that he was born in Chinkang, China, on November 2, 1910, and at present a citizen of the Republic of China, under the laws of which Filipinos may become naturalized; that he is married; that his wife's name is Genoveva Lira, who was born in Batangas, Batangas, and now resides in Sta. Clara, Batangas, Batangas; that he has a son by the name of Domingo Chua, Jr., that he emigrated to the Philippines from China on February 21, 1923, and arrived at the Port of Manila on the vessel SS *Kinsing*; that he has continuously resided in Batangas, Batangas, since February, 1923, to the present date; that he is able to speak and write English and Tagalog languages; that he has all the qualifications required under Section 2, and none of the disqualifications under Section 4, of Commonwealth Act No. 473, to become a Filipino citizen; and that he cites Atty. Macario M. Mendoza and Mr. Mateo Macaraig, both residents of Batangas, Batangas, and citizens of the Philippines, as witnesses whom he proposes to introduce in support of his petition.

Wherefore, you are hereby given notice that said petition will be heard before this Court, at Batangas, Batangas, on July 15, 1959, at 8:00 a.m.

Let this notice be published, at the request and expense of the petitioner, in the *Official Gazette*, for three consecutive issues thereof, and once a

week for three consecutive weeks in the *Nueva Era*, a newspaper edited in the City of Manila and of general circulation in this province, where the petitioner resides, and let a copy of said petition and of this notice be posted in a public and conspicuous place in the Office of the Clerk of Court.

Witness the Hon. Manuel P. Barcelona, Judge of the Court of First Instance of Batangas, this 12th day of November, 1958.

MARIO J. GUTIERREZ  
*Clerk of Court*

[33-35]

REPUBLIC OF THE PHILIPPINES  
COURT OF FIRST INSTANCE OF MANILA  
SIXTH JUDICIAL DISTRICT  
BRANCH I

CASE No. 35178.—*In the matter of the petition of HAU SU YAN to be admitted a citizen of the Philippines.*

## NOTICE OF PETITION FOR PHILIPPINE CITIZENSHIP

To the Honorable Solictior General and to Messrs. R. M. Lapez and D. T. Baviera, Attorneys for the petitioner, 316 Alliance Building, Manila, and to all whom it may concern:

Whereas, a petition for Philippine citizenship pursuant to Commonwealth Act No. 473 as amended, has been presented in this Court, by Hau Su Yan, who alleges that he is a resident of No. 884-C Alvarado Street, Manila; that he was born on September 26, 1927, in Manila, Philippines; that his trade or profession is merchant, and from which he derives an average annual income of ₱5,400; that he is married; that his wife's name is Avelina Carmona Tan, who was born in Catayan, Quezon, and now resides at No. 844-C Alvarado Street, Manila; that he has three children, named Evelyn T. Lao *alias* Evelyn T. Hau, Dennis T. Lao *alias* Dennis T. Hau and Reynold T. Lao *alias* Reynold T. Hau, all born in Manila, on November 6, 1952, July 22, 1954 and October 24, 1955, respectively, and all residing at 884-C Alvarado Street, Manila; that he has resided continuously in the Philippines for a term of sixteen years, and in the City of Manila for a term of one year at least, immediately preceding the date of the petition; that he is able to speak and write English and Tagalog; that his children are not yet of school age; that he acquired his elemen-